ANTI-DISCRIMINATION AND HARASSMENT POLICY

Effective Date: October 9, 2018
Policy Number: II – 2.1.1
Supersedes: Not Applicable.
Issuing Authority: President
Responsible Officer: Associate Vice President for Human Resources & Compliance
Applicability: All members of the Canisius College community.
History: 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 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 remediating 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 conviction 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 Vol. 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 Title IX Coordinator (“coordinator”). The coordinator is:

Linda M. Walleshauser
Associate Vice President for Human Resources & Compliance/Interim Title IX Coordinator
Old Main 100
walleshl@canisius.edu
716 888-2244

In the event that the coordinator is the subject of a complaint under this policy, the Deputy Title IX Coordinator will assume the coordinator role. If the president is the subject of a complaint, the chair of the board of trustees will assume the president’s role in the process.

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

B. External Complaints

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

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

Office for Civil Rights (OCR), Headquarters
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: (800) 421-3481
TDD: (877) 521-2172
Facsimile: (202) 453-6012
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Employees, Employment Applicants, Volunteers and other 3rd Parties: Employees, applicants for employment and other 3rd Parties may file formal complaints with the following agencies:

U. S. Equal Employment Opportunity Commission
Two Gateway Center
Suite 1703
283-299 Market Street
Newark, NJ 07102
Phone: 1-800-669-4000
Fax: 973-645-4524
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

Updates to 2.1.1: Anti-Discrimination and Harassment Policy

Revision: The language of this policy has been updated to reflect compliance with New York State law.
Rationale: To maintain compliance with New York State law.

2.1.14 Whistleblower Policy

WHISTLEBLOWER POLICY

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<th>Effective Date:</th>
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<td>Policy Number:</td>
<td>II-2.1.14</td>
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<td>Supersedes:</td>
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<td>Issuing Authority:</td>
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<tr>
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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 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 or chair of the Audit Committee, to 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.

**Updates to 2.1.14: Whistleblower Policy**

Revision: The language of this policy has been updated to reflect that an acknowledgement form must be turned into Human Resources by new employees, stating that they have read and understood a copy of this policy.

Rationale: New staff members must now turn in an acknowledgement notice of having read and understood all Canisius College policies no later than two weeks after their start date.

**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**

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<td>May 25, 2018</td>
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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

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
- 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

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

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<tr>
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<tr>
<td><strong>Supersedes:</strong></td>
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<td><strong>Issuing Authority:</strong> President</td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong> Associate Vice President for Human Resources &amp; Compliance</td>
</tr>
<tr>
<td><strong>Applicability:</strong> All members of the Canisius College community.</td>
</tr>
<tr>
<td><strong>History:</strong></td>
</tr>
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**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.[1] 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.[2] (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 dhny.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 discrimination 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 or via email at 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.

**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, 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/combatting-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. You 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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<th>Updates to 2.1.16: Sexual Harassment Prevention Policy</th>
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<td>Revision: This is a new policy issued based on revised New York State law.</td>
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<td>Rationale: To maintain compliance with New York State law.</td>
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2.2.4 Smoking and Tobacco Use Policy

SMOKING AND TOBACCO USE POLICY

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<td>II – 2.2.4</td>
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<td>Supersedes:</td>
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<td>Issuing Authority:</td>
<td>President</td>
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<tr>
<td>Responsible Officer:</td>
<td>Associate Vice President for Human Resources and Compliance and Vice President for Student Affairs</td>
</tr>
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Applicability: All members of the Canisius College community.

History:

PURPOSE

The purpose of this policy is to assist in the creation of a healthy and comfortable environment for all students, employees, visitors, and any other members of the college community.

POLICY

Canisius College prohibits tobacco use and/or e-cigarettes, in any form, in all indoor areas and public areas on campus. Indoor and public areas also include, but are not limited to restrooms, all campus buildings and college-owned housing, private offices, vestibules, entrances, exits, stairwells, college-owned vehicles, and the Demske Sports Complex. Tobacco and/or e-cigarette use is limited to areas outside entrances and exits providing doors, windows, and air intake vents are closed. Any use must take place at least 25 feet away from any college-owned building. Smokers must extinguish cigarettes and cigars in smoking receptacles located throughout the campus.

It is the policy of Canisius College to provide a smoke and tobacco-free environment on campus. The use of smoking and tobacco products of any sort shall be prohibited on all college-owned and operated campus grounds, both indoors and outdoors. This smoking ban does not apply to public rights-of-way (sidewalks, streets) on the perimeter of the campus. Moreover, the sale, distribution, and sampling of all tobacco products and tobacco-related merchandise is prohibited on all college-owned and operated property and at college-sponsored events. Littering campus with remains of smoking products is similarly prohibited.
Canisius encourages all users of tobacco, in any form, to quit. Information on smoking cessation programs is available in the Student Health Center and Human Resources, as well as via the Employee Assistance Program.

It is the responsibility of all members of the campus community to comply with this policy. Department supervisors are responsible for workplace administration of the policy. Complaints regarding employee and volunteer non-compliance should be directed to the violating employee or volunteer’s immediate supervisor. Complaints regarding student non-compliance should be directed to the vice president for student affairs. All other violators should be reported to Public Safety.

Any member of the college community can voice objections to smoking or tobacco use on campus in violation of this policy without fear of retaliation.

DEFINITIONS

**College-Owned and Operated Campus Grounds**—include, but are not limited to, all outdoor common and educational areas; all college buildings; college-owned on-campus housing; campus sidewalks; campus parking lots; recreational areas; outdoor stadiums; and college-owned and leased vehicles (regardless of location).

**Smoking and Tobacco Use**—means smoking or vaporizing any substance, including but not limited to, tobacco, cloves, or marijuana (e.g., lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco, clove or marijuana).

**Smoking and Tobacco Products**—include, but are not limited to, all cigarette and tobacco products (cigarettes, cigars, bidis, kreteks, e-cigarettes, etc.), all smoke-producing products (cigars, hookah, pipe, or electronic inhaler that employs a mechanical heating element, battery, or electronic circuit to heat a liquid nicotine solution contained in a vapor cartridge, such as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe), and smokeless tobacco products.

PROCEDURES/GUIDELINES

**Exceptions**

Smoking and the use of tobacco products is permitted when traveling in a private vehicle through campus or parked on campus in an unenclosed parking lot while in a vehicle that is not owned or leased by the college.

Any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation or other medical purposes and is being marketed and sold solely for that approved purpose is also permitted.

RELATED POLICIES

- Community Standards
- Residential Life Standards of Conduct
- Use of College Owned or Leased Vans and Motor Vehicles Policy

**2.5.14 Parking Policy**

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<tr>
<td><strong>Issuing Authority:</strong></td>
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<td><strong>Responsible Officer:</strong></td>
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<td><strong>Applicability:</strong></td>
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</table>

**PURPOSE**

The purpose of this policy is to establish the policies, procedures, and guidelines for parking and traffic on campus.

**POLICY**
Parking a vehicle on the college campus is a privilege. Any person who parks a vehicle on the Canisius College campus agrees to abide by the policies, regulations, procedures, and guidelines contained in this policy. Failure to abide by the policies, regulations, procedures, and guidelines contained in this policy may, at the college’s sole discretion, result in the imposition of fines, impoundment of the vehicle, towing, and storage of the vehicle at the owner’s expense, disposition of an abandoned vehicle, or any combination of these repercussions. Any unauthorized vehicle parked in a space marked “Handicap” or in a fire zone will be immediately ticketed and towed at the owner’s expense.

**DEFINITIONS**

Not applicable.

**PROCEDURES/GUIDELINES**

Although there are an adequate number of parking spaces available on campus, like any other college, parking may not be available as close as individuals would like to the particular building where they reside, work, or attend class. To help members of the campus community understand the parking regulations and avoid the unpleasant surprise of receiving a parking summons, an electronic distribution of the parking regulations is sent to all students, faculty, and staff at the beginning of the fall semester. In addition, each parking area is well marked with signs that indicate parking restrictions for that area. Enforcement of these regulations is necessary to ensure that all members of the Canisius community receive fair and consistent parking opportunities.

**Parking on Campus**

Only vehicles that display a Canisius College parking permit are entitled to park in campus lots. Permits are needed 24 hours a day, year round. Possession of a parking permit entitles the registrant to park only if there is available space in the parking area for which the permit is valid. Although the college does not guarantee a parking space, there are ample numbers of spaces available daily. During certain special events or occasions, parking restrictions will be regulated by Public Safety. Parking areas are not attended. The registrant should lock their doors and take steps to safeguard the vehicle and contents. Canisius College shall be exempt from any and all liability for any damage, theft, or injury to property and persons.

**Obtaining a Permit**

Upon initial hire or matriculation and then each semester thereafter, student and staff vehicles are registered on-line by visiting www.canisius.edu and selecting either “Current Students” or “Faculty & Staff,” then under “On-Line Tools” select “Purchase a Parking Permit.” The registrant will need vehicle description, registration information, license plate number, and payment information. Upon completion, students must come to the Student Accounts Office to obtain their permit hang tag and employees parking permit hang tags will be sent via inter-office mail.

**Student Permits**

Upon course registration and then each year thereafter, student vehicles are registered on-line by simply going to myCanisius; login with username & password; click on Financial Services (left side), click Purchase Parking – follow the prompts (registrants will need vehicle description, license plate number, and payment information) – make sure to “submit”. Upon completion, students must come to the Student Records and Financial Services Office to obtain their parking hang tag.

**Faculty/Staff Permits**

Upon initial hire and then each August thereafter, staff/employee vehicles are registered on-line by simply going to myCanisius; login with username & password; click on Campus Services (left side), click Purchase Parking – follow the prompts (registrants will need vehicle description, license plate number, and payment information) – make sure to “submit”. Your parking hang tag will be sent to you via interoffice mail.

**Disabled Parking**

Employees who require special parking permissions (other than for a temporary disability) must obtain a Parking Permit for Persons with Disabilities from their respective communities. This will allow parking in any spot on the Canisius campus when combined with a Canisius parking tag. The permits are available by filing form MV-664 in the city, town or village in which you live. It requires confirmation of the disability by your doctor. For a short term special needs parking pass based on a disability or medical need, please contact the Human Resources Department to obtain a temporary parking permit.

**Visitor Parking**
Students having guests on campus should ensure that their guests are parked in an appropriate parking spot by contacting Public Safety at the time of the visit and by following parking directions given by public safety at that time.

Departments and offices are responsible for the parking of their guests. Each department/office must contact Public Safety prior to the event or visit to arrange for an appropriate place for their guests to park. The respective department/office will be responsible for communicating the parking information and directions to their guests. Guests who contact Public Safety after receiving a summons will be referred to the person, office, or department they were visiting. Short notice parking arrangements for events, meetings, etc., requiring multiple spaces is discouraged due to staffing needs, availability and other concerns.

**Parking Regulations/Enforcement**

Parking and traffic regulations are strictly enforced 24 hours a day, year-round.

Each registrant shall be responsible for ensuring that the permit is displayed on the vehicle and the vehicle is parked in the correct location.

Each Canisius College parking area is conspicuously posted with signs that indicate restrictions for that area.

All vehicles must be parked between marked parallel lines. Parking is prohibited in all driveways and entrances to all parking lots. No person shall park a vehicle on the premises of the college in such a manner as to interfere with the use of a fire hydrant, fire lane or other emergency zone, create any other hazard or unreasonably interfere with the use of a roadway or pedestrian way.

Motorcycles, mopeds, motor scooters and motor bicycles are not permitted to park on sidewalks, under building overhangs, inside courtyards or in buildings or interfere with pedestrian traffic.

Use of all lots is restricted to properly registered vehicles. Violators will be issued city of Buffalo parking summonses. Once issued, these summonses cannot be voided by Public Safety. All business must be conducted with the city of Buffalo Parking Violations Bureau. Parking on city streets is regulated by the city of Buffalo Police and Parking Violations Bureau.

Illegally-parked vehicles, those creating a hazard and abandoned vehicles are subject to towing and impoundment at the owner’s expense. Canisius College shall be exempt from any and all liability for any damage to the vehicle.

**Traffic Regulations**

People who drive vehicles on campus are subject at all times to the motor vehicle laws of the state of New York and, where applicable, to the ordinances of the city of Buffalo.

All persons are required to obey posted speed limits, traffic control devices, and posted parking requirements at all times.

A full stop at all stop signs is required. Pedestrians have the right of way. Motor vehicles may not be operated on any sidewalk, courtyard or green space. Public Safety officers and city of Buffalo police are empowered to enforce ordinances and laws pertaining to traffic regulations.

The operation of a motor vehicle on the campus of Canisius College is a privilege granted by this institution. Serious or excessive traffic violations may result in the loss of this privilege.

**Hang Tag Permit Procedures**

Members of the college community who do not exhibit their legal permit in the proper location will receive a parking summons. Refer to the tag placement diagram for the proper location.

**Tag Placement:** The tag must hang from the back of the interior rear-view mirror. No other location will be accepted.

**Lots:** Please use the lots assigned to the permit. If parking is unavailable or an emergency situation arises, Public Safety should be immediately notified as to the vehicle’s whereabouts.

**Forgotten tags:** If upon arrival on campus, it is discovered that the hang tag is not in the vehicle (e.g., car was cleaned out and forgot to return the hang tag to its proper place in the vehicle), individuals can immediately contact Public Safety at ext. 2330 and advise them of the situation.

**Lost or stolen or forged permits:** Lost or stolen permits should be reported to Public Safety when the loss or theft is discovered. Any vehicle that displays a lost, stolen, forged, or altered permit will be issued a summons. In addition, the owner or operator of the vehicle may be subject to college and/or criminal sanctions.

**Refunds:** Upon separation from the college, permit holders may be entitled to a pro-rated refund. Contact Student Accounts for more information about the refund policy.

**Permit transfer:** Parking permits may not be transferred to another person.

**Replacement Fees:** The replacement fee for lost or stolen permits are:

- Faculty/Staff: 25% of original cost
- All Other Permits: 75% of original cost

**Campus Parking Directory**

See the current version of the Parking Regulations and Information brochure issued by Public Safety.

**RELATED POLICIES**
2.7.2 Fundraising and Gift Acceptance Policy

PURPOSE

The purpose of this policy is to define the types of gifts accepted by the college and to provide a set of policy guidelines and procedures by which such gifts are solicited, accepted, and acknowledged by Canisius College. In addition, this policy sets forth guidelines and procedures regarding endowed funds and naming opportunities.

POLICY

Institutional Advancement has been delegated by the Canisius College Board of Trustees to advance the mission and goals of Canisius College through outreach initiatives and fundraising efforts designed to engage the college’s external constituencies, including alumni, donors, friends, and members of the community. Before formally accepting a gift, Institutional Advancement determines that gifts to the college are evidence of philanthropic intent and that the donor’s philanthropy is in accord with the stated mission and goals of the college. All charitable and philanthropic funds will be obtained with dignified, ethical, business and fundraising practices.

When soliciting or accepting private contributions for the benefit of the college, all private gifts (monetary, in-kind, or promises to give) must abide by IRS guidelines for tax deductibility (IRS Reg. 170) and follow the policy guidelines and procedures set forth in this policy.

Although Institutional Advancement is the principal fundraising arm of the college, fundraising activities on the part of individuals, college departments, or other college groups or organizations are welcomed. However, to avoid conflicting communication, no person, department, or organization of the college is authorized to solicit an individual, organization, corporation, or foundation for an outright donation or gift in the name of Canisius College without prior clearance from Institutional Advancement. This includes but is not limited to the solicitation of sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a donation. Institutional Advancement will ensure that, in the solicitation for support from such sources, college priorities are observed and plans for such programs, projects, or activities have been reviewed and approved in advance of solicitation by academic, financial, and other appropriate administrative officers. When in doubt, college personnel, departments, students, clubs/organizations, and representatives of the college must consult with Institutional Advancement.

Additionally, requests for fundraising services (i.e. faculty or programs seeking funding for projects, initiatives, etc.) shall be promoted up the direct chain of command, with the ultimate approval authority resting with the division vice president. The vice president, or designee, will forward fundraising requests to Institutional Advancement.

When soliciting charitable contributions, no college personnel, department, or representative of the college or a college group or organization is authorized to commit Canisius College to an agreement which is in conflict with established college policies and procedures. If or that compromises, in any manner, the position of any office or department in the performance of its assigned responsibilities. As a general rule, a solicitation for a major gift is made for a specific project and may either be restricted or unrestricted. Prior to acceptance, a bequest or restricted gift must be assessed to assure that it does not place unreasonable constraints or requirements on the college. While the college will accept gifts which are restricted so as to affirmatively assist particular individual or group efforts, it is the policy of the college to seek to encourage the donor, when appropriate, to allow language in any gift documents permitting use of the funds for general purposes.

Gifts will not be accepted by the college if they are offered on the condition or with the understanding that the award will be made to a student of the donor’s choice. The college will pay no fees to any person in consideration of directing a gift or completing a gift instrument to the college and its fundraising campaigns.

Gifts are not generally subject to an exchange of consideration or other contractual duties between the college and the donor, except for gifts of real property and certain deferred gifts as set out in this policy; although objectives may be stated and funds may be restricted to a specific charitable purpose acceptable to the college. Fundraising activities, including special events, may have a non-gift element; the value of the non-gift element will be determined and subtracted from the total amount to determine the contribution portion.

In addition, no person, department, or organization of the college is authorized to remit an official gift receipt. Only Institutional Advancement is permitted to issue such receipts. A gift receipt recognizes the dollar value of the contribution less any goods and services received. Individuals may send thank you letters, but the letter may not indicate or imply that it is substantiation from the college for the purposes of tax deductibility.

Endowed Fund Guidelines

- The amount needed to establish a named endowment at Canisius College is $25,000. The fund may be started with a smaller amount provided that it is the intention of the benefactor to reach the $25,000 level over time.
- Minimum amount to establish academic department funds, professorships, and chairs will be determined by the vice president for institutional advancement in consultation with Senior Leadership Team.
<table>
<thead>
<tr>
<th>Updates to 2.7.2: Fundraising and Gift Acceptance Policy</th>
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<tbody>
<tr>
<td>Revision: The minimum amount required to name an endowment fund has been raised from $25,000.00 to $50,000.00.</td>
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<tr>
<td>Rationale: To better meet the needs of the Institutional Advancement Area.</td>
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