



January 1, 2022 – December 31, 2022

ANNUAL SECURITY REPORT

Maria College

<http://www.mariacollege.edu/>

*The Jeanne Clery Disclosure of Campus Security Policy and
Campus Crimes Statistics Act*

U.S. DEPARTMENT OF EDUCATION
www.ope.ed.gov/security

Prepared by Maria College
700 New Scotland Avenue
Albany, NY 12208
(518) 438-3111

Table of Contents

MISSION & VALUES	4
CHARTER.....	4
NON-DISCRIMINATION POLICY	4
Civil Rights Compliance Officer	4
IMPORTANT PHONE NUMBERS.....	5
ANNUAL SECURITY REPORT DISCLOSURE	5
CAMPUS SECURITY	5
REPORTING A CRIME	6
CAMPUS SECURITY AUTHORITIES.....	6
LIMITED VOLUNTARY CONFIDENTIAL REPORTING	6
TIMELY WARNINGS	7
EMERGENCY NOTIFICATION SYSTEM (ENS).....	7
EMERGENCY PROCEDURE AND RESPONSE	7
EMERGENCY NOTIFICATION	8
Testing Emergency Response and Evacuation Procedures.....	8
FIRE	9
ACTIVE SHOOTER	9
SAFETY ADVISORY COMMITTEE	10
CRIME PREVENTION	10
STUDENT CODE OF CONDUCT	11
Violations of Code of Conduct	11
Reporting Violations of the Code of Conduct	13
STUDENT GRIEVANCE POLICY	17
INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY PROCEEDINGS	18
BIAS-RELATED CRIME ACT OF 2000	20
ARTICLE 129-A OF THE NEW YORK STATE EDUCATION LAW;	20
<i>Reporting a Crime</i>	<i>20</i>
<i>New York State Penal Code: § 485.05 Hate Crimes.....</i>	<i>20</i>
<i>Penalties for commission of bias-related crimes; New York State Penal Law</i>	<i>22</i>

SUBSTANCE ABUSE PREVENTION POLICY	22
<i>POLICY AGAINST SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE & STALKING</i>	24
<i>Applicable Federal Laws</i>	55
<i>Civil Rights Compliance Officer</i>	55
Education Programs	56
PROCEDURES FOR SURVIVORS OF SEXUAL ASSAULT, ACTS OF VIOLENCE, & STALKING	56
Written Notifications.....	56
Guidelines For Sexual Assault Assistance	56
It Happened To Alexa Foundation.....	57
<i>Contact Information:</i>	57
COUNSELING SERVICES.....	57
HEALTH SERVICES.....	58
MEGAN 'S LAW	58
CRIME STATISTICS	58
Maria College Geography	60
<i>Geography definitions from Clery Act:</i>	60
APPENDIX A: Commonly Abused Drugs	61
Appendix B. Federal Trafficking Penalties	67
Federal Trafficking Penalties - Marijuana	68

MISSION & VALUES

The Mission at Maria College: Maria is a Catholic college sponsored by the Sisters of Mercy and animated by the Mercy charism. It provides career-relevant, opportunity education in the context of the Catholic Intellectual Tradition to all who can benefit from it. Maria is committed to outstanding and holistic student support services, financial sustainability and the purposive use of evidence to drive institutional renewal and student success. Maria seeks to foster graduates who recognize and respect the dignity of every human person and who will transform their knowledge and skill into caring and compassionate service to others.

The Core Values at Maria College: Service, Scholarship, Justice, Diversity, Hospitality

CHARTER

Maria College is chartered by the [Board of Regents of the University of the State of New York](#) and its programs are registered with the New York State Education Department, Room 981, Education Building Annex, Albany, New York 12234, (518) 486-3633.

NON-DISCRIMINATION POLICY

In compliance with Title IX of the Education Act Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other federal, state and local equal opportunity laws, Maria College does not discriminate on the basis of age, race, color, sex, religion, creed, disability, national/ethnic origin, gender identity or expression, sexual orientation, familial status, marital status, military status, or domestic violence victim status or other protected statuses in the administration of its educational policies, admissions policies, scholarship and loan programs and other college sponsored programs.

Civil Rights Compliance Officer

Inquiries concerning the college's safety and security policies should be directed to:

Manager of Human Resources
Maria College
700 New Scotland Avenue
Albany, NY 12208
(518) 861-2580

CivilRightsCompliance@mariacollege.edu

For further information on the notice of non-discrimination please contact:

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500

Telephone: 646.428.3900
Fax: 646.428.3843; TDD: 800.877.8339
E-mail: OCR.NewYork@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>

IMPORTANT PHONE NUMBERS

Security	(518) 376-0690
Vice President of Academic Affairs (Anne Jung)	(518) 861-2532
Assoc Vice President of Administrative Services (Karen Conrad)	(518) 861-2586
Senior Assoc Vice President of Academic and Student Life (Wendy Trevor)	(518) 861-2599
Title IX Coordinator	(518) 861-2580
Life Threatening Emergency	911

ANNUAL SECURITY REPORT DISCLOSURE

The offices of the Registrar, Title IX Coordinator, Vice President of Academic Affairs, Senior Assoc Vice President of Academic and Student life, Manager of Human Resources, and Assoc Vice President of Administrative Services to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at: <https://mariacollege.edu/aboutmaria/consumer-information/fire-and-safety-reporting>. This site also may be accessed via the Maria College home page at www.mariacollege.edu. This report is prepared in cooperation with the local law enforcement agencies in Albany. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Maria College security, designated campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations) and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences, neighborhoods or businesses surrounding the college.

Each year, notification is provided to all enrolled students, faculty, and staff which provides the website to access this report. Copies of the report may also be obtained at the Frank E. O'Brien Jr. Student Support Center.

The web site address is available to all prospective students in their admissions packet. New employees will be made aware of the existence of the Annual Security Report and how to access it.

CAMPUS SECURITY

Campus Security Services are located in the Main Building during weekdays and will be available in all campus buildings in the evenings when classes are in session. Officers aid in enforcement of federal, state, and local laws, as well as Maria College regulations. Security guards are contracted through an outside agency.

All security guards must meet the training requirements of the State of New York Security Guard Act. The college employs an out-sourced security service whose primary objective is to encourage a safe and healthy experience that enhances the campus learning experience and compliments the college's mission.

To reach Security dial (518) 376-0690.

Maria College security maintains a close working relationship with the Albany Police Department

(APD). Meetings are held between the leaders of these agencies on both a formal and informal basis. The Assoc Vice President of Administrative Services, the APD and the security services firm communicate regularly on the scene of incidents that occur in and around the College. The Assoc Vice President of Administrative Services works closely with the APD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary.

Maria College encourages all students and employees to report crimes to Campus Security, College official, or the local authorities as soon as possible.

REPORTING A CRIME

Maria policy encourages every member of the College community to report a crime promptly to Security if the victim wants a report filed or is unable to file a report. For emergencies, please call 911 and then notify Campus Security of the situation. Security and the AVP of Administrative Services investigate all reports and notify appropriate college personnel and, if necessary, the APD.

We encourage all crime reporting to be done in a timely manner.

CAMPUS SECURITY AUTHORITIES

The Clery Act requires Maria College to collect crime reports from a variety of individuals and organizations that have specific contact with students. Under the Act, a crime is “reported” when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or third party or even the offender. The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information any allegations of Clery Act crimes that he or she concludes were made in good faith.

The following are designated as the Maria College Campus Security Authorities by the criteria set in the Clery Act.

- President
- Vice President of Academic Affairs
- Associate Vice President for Academic and Student Life
- Associate Vice President of Administrative Services
- Manager of Human Resources
- Campus Security Officers
- Title IX Coordinator & Title IX Deputy Coordinators

LIMITED VOLUNTARY CONFIDENTIAL REPORTING

Maria College encourages anyone who is the victim of or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, Campus Security cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified above. Note: In cases of sexual misconduct, the only confidential reporting source on

campus is the Disabilities Services Coordinator and Mental Health Counselor. Other options for reporting these violations are provided under the “Policy Against Sexual Misconduct, Acts of Violence, and Stalking” section of this report.

TIMELY WARNINGS

In the event a situation arises, either on or off campus, that, in the judgment of the President or Associate Vice President of Administrative Services constitutes an immediate or ongoing threat, a campus-wide “timely warning” will be issued. In evaluating the situation and making that determination, the Associate Vice President of Administrative Services may consult with other members of the President’s Cabinet, Campus Security Authorities, and/or law enforcement to evaluate the nature of the situation (or crime, if applicable), immediate and/or continuing danger it presents to well-being and safety of others, and impact it has on law enforcement efforts. Any warning issued will be through the Alertus system, and communicated via other available means as appropriate or needed. This warning will include information that will promote safety and may aid in the prevention of similar situations/crimes.

Depending on the particular circumstances of the situation or crime, especially in all situations that could pose an immediate threat to the safety and well-being of the community and individuals, the Emergency Notification System may be activated through the procedures outlined under Emergency Procedure and Response.

Anyone with information warranting a timely warning should report the circumstances to Security.

EMERGENCY NOTIFICATION SYSTEM (ENS)

Maria College employs the Alertus emergency mass notification system to inform students and employees of emergencies on campus. Once an incident is reported, the strategically placed wall-mounted Alertus Beacons provide textual, visual, and auditory notification regarding the type of emergency. In addition to the Beacons, the textual notification is displayed on the screens of all of the computers logged on to the campus network. In addition to Alertus, Maria College also uses the Rave Mobile Safety mass notification system to notify students and employees via cell phone (email and/or text) that an emergency is occurring on campus.



EMERGENCY PROCEDURE AND RESPONSE

Serious injury, sickness or emergency requires immediate and clear communication with appropriate parties. If you come across an emergency situation or another individual who needs assistance, please follow the following procedures:

1. Remain calm and keep the individual(s) comfortable.
2. Call 911. Give the exact address of the College location (700 New Scotland Avenue) and a brief, specific description of the details of the incident.

When reaching the site of the incident, Campus Security or front entrance employee should:

1. Confirm that 911 has been called.
2. If possible, stay with individual until ambulance arrives.
3. Notify the Associate Vice President of Administrative Services.
4. Complete an incident report and give it to the Associate Vice President of Administrative Services with a copy to the Dean of Students (if a student is involved).

Procedures to Notify Campus Community

Upon receiving notification of a situation or crime that is or may be considered an emergency, the President or Associate Vice President of Administrative Services will verify that a legitimate situation exists (which does not require that all details are known or available), and if it does, investigate it. Confirming dialogue may include conversations with Security, witnesses, victim(s) and/or local authorities. If there is an immediate or impending threat to the college community and the situation warrants a timely warning, the ENS system will be activated if. The entire Maria College community will be notified of any immediate threats regardless of building location.

EMERGENCY NOTIFICATION

Individuals who are responsible for determining the need for ENS activation

President's Direct Reports

Individuals who can activate ENS System:

Associate Vice President of Administrative Services

or

Chief Marketing & Communications Officer

Campus Safety Systems Coordinator

In the event of an emergency, Maria is committed to notifying the college community of said emergency without delay unless notification would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

In addition to possible use of the ENS system, the Associate Vice President of Administrative Services will use college postings and college email to inform the college community of information regarding an emergency situation. If appropriate, radio and television alerts will be used by the Associate Vice President of Administrative Services or designee to inform the neighboring community of any immediate threat that may impact them.

Testing Emergency Response and Evacuation Procedures

To prepare the Maria College community to respond effectively in the event of an emergency, the College will conduct emergency response and evaluation drills. As part of that process, unannounced fire drills will be conducted each Spring and Fall semester by the Facilities Office. Additionally, an announced ENS system test will be conducted each semester by the Communications Office.

The emergency and response procedures will be published in Maria's Annual Security Report and ENS announced tests will include communication of any procedure(s) that applies to the type of situation/emergency via email beforehand. A record of all emergency response test dates, times,

description and whether it was announced or unannounced will be kept by the Associate Vice President of Administrative Services for seven years.

ACCESS TO COLLEGE FACILITIES

Most college buildings and facilities are accessible and tracked using a proximity sensor on the ID Card to college community, prospective students, and visitors during normal hours of business, Monday through Friday, and for limited designated hours on weekends, during periods of time the college is in normal operation.

During business hours, Maria College is open to students, parents, employees, contractors, guests, and invitees. When the College is closed for an extended period, the College will admit only those with prior written approval from the Associate Vice President of Administrative Services to those facilities specified. Emergencies may require changes or alterations to any posted schedules. The Safety Advisory Committee meets at least twice a semester to discuss security issues.

The Associate Vice President of Administrative Services, and security and maintenance personnel routinely check for security issues such as properly-working lighting, locks, alarms and landscaping. For information on access to campus facilities, contact the College Operator at (518) 438-3111. The College does not have residential facilities.

FIRE

If a fire cannot be or is not controlled with an extinguisher, a fire alarm should be activated and the building should be evacuated. Persons evacuating the building should proceed to and exit from the nearest marked exit, and assist those who are physically challenged or disabled in doing so. No person should return to an evacuated building unless directed to by a member of the College's administration.

In the event of a fire:

- a. activate the nearest fire alarm. The ones in the main building are local only, and do not summon any emergency personnel or equipment. The alarms in Marian Hall are connected to the Albany Fire Department.;
- b. exit the building at the nearest exit;
- c. assemble outside (sidewalk or parking lot), in a safe location that allows clearance for emergency vehicles and personnel. Faculty with class sessions in-process should take attendance so that all students are accounted for;
- d. wait for further instructions from authorities with regard to reentering the building.

If it is not possible to exit the building, call 911, open a window if possible, and stay in a position as low to the ground as possible and attempt to signal fire emergency personnel of your presence.

ACTIVE SHOOTER

In the event of an Active Shooter on campus:

- a. exit the building if possible, if it does not further endanger you. Leave belongings behind, help others escape, and keep hands visible. Go to the Group Assembly location at the corner of New Scotland Avenue and Manning Boulevard. DO NOT congregate in either of the Maria College Parking Lots.

- b. hide out if evacuation is not possible. Lock the door(s) to the space you are in, and/or blockade the door(s) with heavy furniture to prevent entry. Silence cell phones, and turn off any source of noise and lights, and remain quiet. Find a spot that is out of the shooter's view and pick a location that will not trap or restrict your options for movement. Protect yourself with heavy objects if shots are fired in your direction.
- c. take action against the shooter.
- d. if directly confronted by the shooter, and as a last resort, act as aggressively as possible against the shooter by throwing objects, using improvised weapons, or by striking or grappling with the shooter.

SAFETY ADVISORY COMMITTEE

The Safety Advisory Committee has been established at the college in compliance with the requirements of New York State Education Law (Article 129-A). This Committee is appointed by the President and comprised of representatives from the College's administration, faculty, staff, and students.

The Committee reviews campus security policies and procedures and makes recommendations for improving them. These policies and procedures include those for:

- a. educating the College community, including security personnel and those who advise or supervise students, about sexual assault, domestic violence and stalking offenses pursuant to Article 129-A of the New York State Education Law;
- b. educating the campus community about personal safety and crime prevention;
- c. reporting sexual assaults and dealing with victims during investigations;
- d. referring complaints to appropriate authorities;
- e. counseling victims; and
- f. responding to inquiries from concerned persons.

Students wishing to participate in this committee are encouraged to contact the Dean of Students.

CRIME PREVENTION

A common theme of the College's awareness and crime prevention programs and activities is the responsibility all campus community members have for their own safety and that of others. Crime prevention at Maria College is based upon the dual concepts of eliminating or minimizing criminal opportunities and encouraging students and employees to be responsible for their own security and the security of others.

The following is a list of the crime prevention practices at Maria College:

New/Transfer Student Orientation: During new student orientations, students are informed of the importance and availability of the College's Academic Catalog, provided the internet link to access it (<https://mariacollege.edu>), strongly encouraged to review it before starting their coursework, and told that they should refer to it as a guide while they are matriculated at the College. The Catalog covers important safety and security policies and procedures, including: the Student Code of Conduct, Maria College's Sexual Misconduct Policy, Drug Free Policy and Procedures, Emergency Policy, Immunization Requirement, Incident Reporting) and provides details for accessing resources on- and off- campus to promote safety, security, and well-being.

New Employee Orientation: During new employee orientation, new employees are informed of the importance and availability of the Employee Handbook (which covers a variety of workplace safety and health policies), the College's Code of Ethics, and the College's Sexual Misconduct Policy; they are shown how to access them on the employee portal (MyMaria), and strongly encouraged to review them in the first days of their employment. New employee will be provided a campus tour showing the nearest exits in case of emergency and other campus safety measures.

Campus Community Safety Awareness Programs and Activities: The College works collaboratively with community resources to sponsor a variety of programs and events to raise awareness about domestic violence, dating violence, stalking and sexual assault; Maria's community members are notified of and encouraged to participate in these activities. The College regularly provides employee training on its Sexual Misconduct Policy, and on recognizing and responding to sexual misconduct.

Printed Crime Prevention Materials: Printed crime prevention brochures and posters are distributed at various locations throughout campus, covering topics such as: on- and off-campus health services, and sexual misconduct identification, reporting and prevention. Emergency Safety contact list must also be visible in all employee work station.

Fire Alarm System: A central station monitors and maintains fire alarm systems on campus.

Facilities Surveys: Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted each year by the Associate Vice President of Administrative Services.

Architectural Design: Associate Vice President of Administrative Services and Security Advisory Committee makes recommendations relating to physical and electronic security systems for new and renovated college facilities.

Currently, the college does not have any programs that specifically address student and employee crime prevention.

STUDENT CODE OF CONDUCT

Maria College expects that its students will act as responsible, courteous, and law-abiding citizens and will treat others and the campus facilities with appropriate respect and civility. Further, as members of an intellectual community, students are expected to maintain standards of personal and academic honesty in all coursework and examinations and to refrain from behaviors that are disruptive to the teaching and learning of others in the classroom. All students will be informed of the College's expectations of students under the Code of Conduct during new student orientation. Copies of the Academic Catalog, including the Student Code of Conduct, can be found year-round on the College's website.

Violations of Code of Conduct

The following offenses are prohibited under the College's Code of Conduct:

- Academic dishonesty which includes, but is not limited to, plagiarism, cheating, misuse of academic resources or facilities, misuse of software, data, equipment or networks or any act that hinders the academic process.

- Academic and professional misconduct which includes, but is not limited to, misuse of academic resources or facilities, behavior inside or outside of the classroom, misuse of software, data, equipment, or networks, or any act that hinders academic progress.

- Participating in any activity that disrupts or obstructs the normal operation of the College or its members, or inciting others to disrupt scheduled/or normal activities. Specific examples include, but are not limited to the following:

- Disruptive behavior
- Insubordination to Faculty or Staff
- Noise Violations

- Physical harm or threat of physical harm to any person(s). Specific examples include, but are not limited to the following:

- Aggressive behavior
- Physical violence which can include kicking, shoving, striking another person or attempting/threatening to do the same.

- Harassment occurs if an individual engages in conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent so as to interfere unreasonably with or limit the ability of another individual to participate in or benefit from the academic or other offerings of the College, or has the purpose of creating an intimidating or hostile environment. Harassment may include conduct that occurs based on race, color, ethnic, or national origin, religion, age, sexual orientation disability, or veteran status. Harassment can also include obscene, threatening behavior and/or verbal abuse.

- Any unauthorized use of an image, electronic or other devices to make an audio or video record of any person that occurs in the context of a College program, or activity, or otherwise affects the learning environment without his or her knowledge or consent.

- Conduct that threatens the mental or physical health and safety of any person(s). Specific examples include, but are not limited to the following:

- ~ Endangering one's safety
- ~ Endangering the safety of others
- ~ Alcohol/drug use
- ~ Inhaling or ingesting any substance that could alter a student's mental state or have a negative impact on a student's well-being

- Theft or damage to personal or institutional property or services. Examples include, but are not limited to the following:

- Theft
- Theft of services
- Vandalism
- Damage to property

- Possession of stolen property
- Misuse of College identification cards, records, or documents, including forgery, alteration, or fabrication. Failure to comply/failure to act.

Examples include but are not limited to the following:

- Failure to comply with a directive of a College official, staff, faculty or representative
- Furnishing false information to a College official, staff, faculty or representative
- Intentionally reporting a false incident
- Unauthorized entry, use, or occupation of College facilities that are locked, closed or otherwise restricted.

Examples include, but are not limited to the following:

- Unauthorized use/misuse of keys
- Trespassing
- Unauthorized use of property
- Providing unauthorized access
- False or bad faith allegations. Examples include but are not limited to the following:
 - Knowingly making a false complaint or report
 - Knowingly giving false information during a process outlined in this Policy.

Reporting Violations of the Code of Conduct

All students, faculty, and staff may report a potential or actual violation of the Student Code of Conduct, other college policy or law with the Dean of Students or designee or by filing a report online at www.mariacollege.edu/student-incident-reporting-forms.

Investigation/Allegation Review Process

Preliminary Review – Upon receiving a report or otherwise learning of a claimed violation of the Student Code of Conduct or other policy, a designee of the Department of Student Life or will conduct a preliminary review of the complaint to determine if there is sufficient information or basis to conduct a disciplinary review.

Meeting with Reporting Party or Other Members of the College Community

A designee of the Department of Student Life may meet with the reporting party to review the complaint and request additional information. The Designee of the Department of Student life may also, in their discretion, meet with other members of the Maria College community who may have information to share in relation to the complaint or review other pertinent information.

Dismissal of Complaint – If the Department of Student Life designee finds insufficient information or basis to support the complaint, they are authorized to dismiss the complaint.

Notification to Responding Party – If the Department of Student Life designee determines there is sufficient information or basis to support the complaint, the responding party will be notified in writing as to the receipt of the complaint, the opportunity to respond, and the need to meet with

Hearing Board or Hearing Officer. The notification will also advise the student of the ability to request and engage in the informal resolution process prior to hearing.

Informal Resolution

A student can elect to take part in an informal resolution or Maria College could include this as a necessary step, so long as student agrees. The informal resolution is not a hearing. It is a meeting between the student and a staff member. The student will be encouraged to discuss and review information contained in the report and allegation(s) being brought against the student.

During the informal meeting, the student charged will have the ability to choose from the following:

- Accept responsibility for their actions and appropriate sanctions will be issued and student will waive their rights associated with a formal hearing.
- Deny responsibility for the allegations and request a hearing to be held before a hearing board or officer.

Rights of Students Charged

If an allegation is referred to a hearing board or officer, a student charged with a violation has the following rights:

- The student shall be informed in writing of the date, time, and place of the hearing. The student shall be allowed a reasonable time to prepare for the hearing. The student may choose to waive the time period in order to expedite the hearing process. The student shall be able to speak on their own behalf, present witnesses, and to ask questions.
- The student may review evidence, documents and reports pertaining to the allegation prior to the hearing by making an appointment, during regular hours with the Department of Student Life designee. The student may present additional evidence. Any additional evidence in form of pictures, documents, or written materials must be submitted to Department of Student Life designee for approval at least two (2) days before the hearing. Approval of additional evidence is at the discretion of the College.
- The student may elect not to appear at the hearing. Absence shall be noted and hearing will be conducted in student's absence and a decision will be rendered.
 - Where more than one student has been charged in the same alleged incident, the College maintains the right to conduct a group hearing, when it deems appropriate. In the event of a group hearing, each individual charged will have the opportunity to present to the board and to be questioned separately. All individuals charged will be present for the questioning of all witnesses. The responsibility of each individual charged in the incident will be determined separately.

Student Conduct Hearings

Violations of the student code of conduct can be heard by a hearing board or a hearing officer at the discretion of the College. A single hearing officer can be assigned when a case involves sanctions less

than suspension or dismissal from the College. In instances where the sanction may result in suspension or dismissal from the College a hearing board comprised of three (3) or more member will be established.

Process for Conduct Hearings

The usual format for a hearing will be as follows:

- Cases are introduced, allegation(s) read by the Hearing Officer or Chairperson or designated representative of the hearing panel.
- Opening statement by student charged.
- Questions for the student charged by hearing officer or members of the hearing panel.
- Statement(s)/report(s) from witnesses on behalf of the College (if applicable).
- Questions for College witnesses from hearing officer or members of the hearing panel (if applicable).
- Questions for College witnesses from student charged (if applicable).
- Statement(s) from witnesses on behalf of student charged (if applicable).
- Questions for student's witnesses from hearing officer or members of the hearing panel.
- Final questions for the student charged from hearing officer or members of the hearing panel.
- Closing statement from student charged.

Note: During the hearing, statements or reports are verbal unless a student or witness is absent, then written statements preapproved will be entered into the record.

Responsibility is established based on a preponderance of the evidence (i.e., it is more likely than not that the student charged is responsible). Only evidence presented at the hearing shall be considered.

Sanctions

When a student accepts responsibility or is found responsible for a policy violation as an outcome of a hearing, the Department of Student Life designee, determines an appropriate sanction. A student found responsible for violating College policy may receive one or more sanctions tailored to the violation(s). Individual circumstances, as well as aggravating factors, such as past misconduct by the student, or failure to comply with previously imposed sanctions, shall be considered when determining the level and scope of the sanction.

Disciplinary actions include but are not limited to one or more of the following sanctions:

No Consequences/Sanctions

Disciplinary Warning: A disciplinary warning is issued to a student for violating College policy. Warnings notify student that subsequent violations will warrant more serious disciplinary action.

Disciplinary Probation: Disciplinary probation is issued to a student for a specific period of time. This is more serious than a warning. It is a period of review during which the student must demonstrate the

ability to comply with College policies. Students who violate their probation may face sanctions more punitive in nature.

Disciplinary Suspension: Disciplinary suspension is a sanction imposed in which the student is separated and banned from the College for a specific or indefinite period of time. Such period may begin during or at the close of a semester. Upon the expiration of the suspension period, the student may be subjected to probation period during which the student is expected to comply with College policies.

Expulsion: Permanent termination of status as a student of the College without opportunity for readmission.

Fines and Restitution: Fines may be levied against students who violate College policy. Students are responsible for all fines levied against them for violating College policy. In addition, restitution may be imposed to recover damages or losses experience by the College.

Educational Sanction: In some cases, a punitive sanction is inappropriate and an educational sanction may be imposed. This sanction is to help educate the student toward responsible behavior. These sanctions may include but are not limited to a written apology, educational assignment/paper, community service, volunteer service, etc.

Appeal Procedures for Student Conduct Proceedings

A student found responsible for a policy violation shall have the ability to appeal within five (5) calendar days from the receipt of the decision letter, on any of the following grounds:

1. It can be clearly and specifically demonstrated that the student was denied a fair review.
2. There is reason to believe the procedural rights of the accused student have been violated in a way that impacted the decision.
3. New information that was not available and could not have been available at the time of the hearing has surfaced, the consideration of which would have resulted in a different conclusion or sanction.

The student must submit a written appeal to the Sr. VP of Academic and Student Life supporting one or more of the grounds outlined above. A request must explain, in detail, the basis for the appeal. The Sr. VP of Academic and Student Life or designee will decide if there is sufficient documentation to modify or uphold the original sanction. These decisions are final. In situations where new evidence is introduced, the Sr. VP of Academic and Student Life or designee can decide to reopen the original hearing and the hearing board can uphold or modify its finding.

SEXUAL MISCONDUCT POLICY

Maria College believes that academic integrity is essential to providing students with a high-quality education, as well as critical to ensuring the collective reputation of the College and its academic programs, faculty members, students and alumni. As members of an intellectual community, students of Maria College are expected to maintain standards of personal and academic honesty in all coursework and examinations, and to refrain from behaviors that are disruptive to the teaching and learning of others in the classroom. Students who fail to uphold these expectations risk undermining the education of themselves and others, losing the trust of their professors and peers, and damaging the reputation of Maria College.

STUDENT GRIEVANCE POLICY

The College is committed to resolving student complaints regarding their College experience in a fair and timely manner. Academic & administrative complaints and disputes are resolved under a different process than that used for Code of Conduct violations. Any grievances involving potential sexual misconduct by a student, faculty member, or staff member will be resolved according to Maria College's Sexual Misconduct Policy, which can be found on the website at <https://mariacollege.edu/about-maria/policies-procedures/sexual-misconduct-policy/>.

Academic & administrative complaints and disputes may include, but are not limited to the following:

- Complaints against professors, faculty, staff, or administrative or support services
- Complaints against professors regarding course grades
- Complaints regarding the quality and/or nature of instruction, assessment, or advisement provided by professors, faculty, or staff
- Disagreement with disability accommodations and/or academic accommodations offered by the Disability Services Program
- Other non-conduct-related academic and/or administrative disputes

A student may commence the grievance process at any time while they are enrolled as a student, but all complaints must be brought to the attention of the College within a reasonable period of time from the date of the dispute in question. The length of time that may be reasonable will vary with the nature of the dispute but, as a general rule, a complaint brought to the attention of the College within two weeks of the dispute will be considered to have been raised within a reasonable period of time. The College reserves the right to dismiss complaints that are not raised within a reasonable period of time.

A student should file a grievance (academic or non-academic) online using the 'Student Grievance Report Form' by visiting <https://mariacollege.edu/student-incident-reporting-forms>.

Academic complaints and disputes (including issues involving professors, course grades, academic accommodations, or academic instruction) will be resolved as follows:

Step 1: Student must try to resolve the complaint through an informal discussion between the student and the person(s) against whom the complaint is made (usually the instructor or professor in question).

Step 2: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Chair of the relevant academic department. Where the Chair is the person against whom the complaint is being made, the student may proceed directly to step 3.

Step 3: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Dean of the College. The Dean will request that the student put his/her complaint in writing, and the Dean will arrange a formal meeting between the student and the person(s) against whom the complaint is made, with the Dean of the College in attendance. Both the student and the person(s) against whom the complaint is made will have an opportunity to provide their perspective and suggest a solution.

Step 4: The Dean of the College will determine the appropriate resolution. The Dean's decision will be made within 10 business days of the investigation. The Dean's decision will be provided in writing to both the student and the person(s) against whom the complaint is made. The Dean's decision will be final.

Administrative complaints and disputes (including issues involving College policies or procedures, College officials or administrators, billing or financial aid issues, or other non-academic issues) will be resolved as follows:

Step 1: Student must try to resolve the complaint through an informal discussion between the student and the person(s) against whom the complaint is made.

Step 2: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Sr. Assoc. VP of Academic and Student Life. The Sr. Assoc. VP of Academic and Student Life will request that the student put his/her complaint in writing, and the Sr. Assoc. VP of Academic and Student Life will arrange a formal meeting between the student and the person(s) against whom the complaint is made, with the Sr. Assoc. of Academic and Student Life in attendance. At the meeting, both the student and the person(s) against whom the complaint is made will have an opportunity to provide their perspective and suggest a solution.

Step 3: If a solution is not agreed upon, the Sr. Assoc. VP of Academic and Student Life will determine the appropriate resolution. The Sr. Assoc. VP of Academic and Student Life's decision will be made within 10 business days. This decision will be final.

In certain instances, the Sr. Assoc. VP of Academic and Student Life may choose to seek the advice and/or involvement of the Dean of the College, program directors, department chairs, or other relevant College officials, as appropriate.

INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY PROCEEDINGS

Maria College, upon written request, will disclose to the victim of any crime of violence or a non-

forcible sex offense, the result of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim.

BIAS-RELATED CRIME ACT OF 2000

ARTICLE 129-A OF THE NEW YORK STATE EDUCATION LAW; SECTION 6436

In compliance with the New York State Education Law, Section 6436, Bias-Related Crime Act of 2000, the following information is designed to outline to the Maria College Community the applicable laws on bias-related crimes, the penalties for the commission of bias-related crimes, the procedures for reporting crimes, the availability of counseling and support services, the nature of and common circumstances relating to bias related crimes, and the methods used by Maria College to advise and to update students about security procedures.

Reporting a Crime

If you are the victim of a bias-related crime, or you know or suspect that a member of the college community is a victim of a bias-related crime the following resources are available to you:

- *Albany Police Department:* Dial 911
- *Maria College Security:* 518-376-0690
- *Title IX Coordinator:* 650-383-4753 ext. 158
- *Anonymous Reporting Hotline:* 518-514-7050.

New York State Penal Code: § 485.05 Hate Crimes.

A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

A "specified offense" is an offense defined by any of the following provisions the NYS Penal Law:

- section 120.00 (assault in the third degree);
- section 120.05 (assault in the second degree);
- section 120.10 (assault in the first degree);
- section 120.12 (aggravated assault upon a person less than eleven years old);
- section 120.13 (menacing in the first degree);
- section 120.14 (menacing in the second degree);
- section 120.15 (menacing in the third degree);
- section 120.20 (reckless endangerment in the second degree);

- section 120.25 (reckless endangerment in the first degree);
- subdivision one of section 125.15 (manslaughter in the second degree);
- subdivision one, two or four of section 125.20 (manslaughter in the first degree);
- section 125.25 (murder in the second degree);
- section 120.45 (stalking in the fourth degree);
- section 120.50 (stalking in the third degree);
- section 120.55 (stalking in the second degree);
- section 120.60 (stalking in the first degree);
- subdivision one of section 130.35 (rape in the first degree);
- subdivision one of section 130.50 (sodomy in the first degree);
- subdivision one of section 130.65 (sexual abuse in the first degree);
- paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree);
- paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree);
- section 135.05 (unlawful imprisonment in the second degree);
- section 135.10 (unlawful imprisonment in the first degree);
- section 135.20 (kidnapping in the second degree);
- section 135.25 (kidnapping in the first degree);
- section 135.60 (coercion in the second degree);
- section 135.65 (coercion in the first degree);
- section 140.10 (criminal trespass in the third degree);
- section 140.15 (criminal trespass in the second degree);
- section 140.17 (criminal trespass in the first degree);
- section 140.20 (burglary in the third degree);
- section 140.25 (burglary in the second degree);
- section 140.30 (burglary in the first degree);
- section 145.00 (criminal mischief in the fourth degree);
- section 145.05 (criminal mischief in the third degree);
- section 145.10 (criminal mischief in the second degree);
- section 145.12 (criminal mischief in the first degree);
- section 150.05 (arson in the fourth degree);
- section 150.10 (arson in the third degree);
- section 150.15 (arson in the second degree);
- section 150.20 (arson in the first degree);
- section 155.25 (petit larceny);
- section 155.30 (grand larceny in the fourth degree);
- section 155.35 (grand larceny in the third degree);
- section 155.40 (grand larceny in the second degree);
- section 155.42 (grand larceny in the first degree);

- section 160.05 (robbery in the third degree);
- section 160.10 (robbery in the second degree);
- section 160.15 (robbery in the first degree);
- section 240.25 (harassment in the first degree);
- subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

**Penalties for commission of bias-related crimes; New York State Penal Law
§ 485.10 Sentencing**

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
 - (a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
 - (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
 - (c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
 - (d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
 - (e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

Students who commit Biased-Related crimes will also be subject to disciplinary actions by the college.

SUBSTANCE ABUSE PREVENTION POLICY

Drug use and alcohol abuse can have an adverse effect on the welfare of individuals and academic environment. Maria College will enforce rules and laws prohibiting the illicit use of drugs and alcohol on campus and at College sponsored events. Under the Drug Free Workplace Act of 1988 and the Drug Free Schools and Community Act of 1989, Maria College has adopted this anti-drug and alcohol use policy for its employees and students.

Maria College is committed to fostering a campus community where each member is responsible for his or her own actions and is expected to respect the rights of others. All students are expected to be familiar with this policy. Any violation of the policy by a student will also be considered a Student Code of Conduct matter and could be reported to law enforcement.

Maria College prohibits:

- The unlawful manufacture, distribution, sale, purchase, possession or use of any drugs or controlled substances by students on owned or controlled property.
- Possession of drug paraphernalia.
- The unlawful service, distribution, sale, possession, consumption, or other unlawful use of alcoholic beverages.
- Unlawful behaviors involving alcohol, drugs, or controlled substances, including but not limited to, underage drinking, public intoxication which impacts the College.

Students who are of legal drinking age may consume alcohol on campus on special events such as Maria College sponsored functions (on and off-campus). The service of such beverages shall be in compliance with law. Alcoholic beverages must be consumed within a designated area. All events serving Alcoholic beverages must also have non-alcoholic beverages and food available in an adequate amount through the entire event. Alcohol is available only to those 21 years or older. A valid state or federal identification card (driver's license, non-driver identification card, etc., as per the ABC Law of New York State) must be presented upon request.

Students, of legal drinking age, are expected to drink responsibly. Students must at all times be responsible for the consumption of alcoholic beverages they consume. It is also the student's responsibility to be able to drive safely or, if in doubt, arrange alternative transportation.

Use of alcohol may result in mood changes, impulsive actions, loss of judgment, and loss of coordination. Excessive use of alcohol may cause heart damage, liver damage, damage to the digestive tract, cancer, brain damage, mental disorders, loss of sexual function, blood disorders and birth defects. In addition, long-term alcohol use may affect relationships, employment, academic and athletic performance, and self-esteem. Consumption of alcohol while using over-the-counter or prescription medications, where such use is contraindicated, can lead to unintended health consequences. Acute alcohol poisoning, occurring when an individual consumes a large amount of alcohol in a short period of time, may result in changes in breathing and heart rate, the gag reflex, and

can lead to coma and death. More information regarding the use of alcohol at college and the health risks associated with the consumption of alcohol can be found at <https://www.collegedrinkingprevention.gov/>.

POLICY AGAINST SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE & STALKING

I. POLICY STATEMENT

Maria College complies with Title IX of the Educational Amendments of 1972 as well as the Title IX regulations released by the Department of Education on August 14, 2020. This policy prohibits all forms of sexual and gender-based harassment and discrimination. This policy also covers sexual misconduct that does not fall within the scope of the Title IX, as defined in the August 2020 regulations. This policy is effective August 15, 2023.

II. SCOPE OF THE POLICY AND JURISDICTIONAL STATEMENT

This policy applies to all students; 1 student organizations; College employees and contractors, including staff, faculty, and administrators; and all other persons that participate in a Maria College's educational programs and activities, including third-party visitors on campus. This policy prohibits the conduct set forth in Section VI regardless of the Complainant and Respondent's relationship status and whether the Complainant and Respondent are members of the same or opposite sex or gender.

Maria College may investigate any alleged violation of this Policy that occurs in the context of a College program, or activity (including academic, educational, extracurricular, study abroad and internships, and other College programs), or that otherwise affects the working, living or learning environments, regardless of whether that conduct occurred on or off campus. Regardless of where the conduct occurred, the College will review complaints to determine whether the conduct occurred in the context of its employment or educational program or activity or has continuing effects on campus or in an off-campus sponsored program or activity, or whether the College otherwise has a substantial interest in the allegations. A substantial interest includes:

1. Any action that constitutes a criminal offense as defined by law (This includes, but is not limited to, single or repeat violations of any local, state, or federal law.);
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual; or
3. Any situation that is detrimental to the educational interests or mission of the College.

All actions that involve the use of the College's computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus.

If the Respondent is unknown or is not otherwise subject to sanctions imposed by the College, the Title IX Coordinator will offer the Complainant supportive measures, remedies, and resources, such as, identifying appropriate campus and local resources and

support options or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Although the College may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and where appropriate, the broader Maria College community.

III. DEFINITIONS

Affirmative Consent: Sexual contact must be consensual at all times, and sexual contact is considered consensual only after affirmative consent has been given. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

The following are principles that apply to the above definition of affirmative consent:

- Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be withdrawn at any time.
- When affirmative consent is withdrawn or can no longer be given, sexual activity must stop.
- A person is incapable of affirmative consent when they are:
 - less than seventeen years of age;
 - mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
 - incapacitated (as defined below).
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Coercion: Coercion is intimidation or conduct that would compel an individual to do something against their will by

- a. expressed or implied threats of physical, emotional, property, or reputational harm, or
- b. pressure that would cause a reasonable person to fear such harm.

Coercion is more than an effort to persuade or attract another person to engage in sexual activity. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

Confidential Resources: Confidential Resources, in the community, have been identified by the College and will protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with

other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual.

Complainant: When used in this policy, “Complainant” is the person who is alleged to have experienced Prohibited Conduct.

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats and intimidation (implied threats) that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Formal Complaint: A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging a violation of this Policy against a Respondent and requesting that the College initiate an informal or formal Resolution of the Formal Complaint pursuant to this Policy and its procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information in the section immediately above, or as described in this section. For matters involving Title IX Prohibited Conduct, the Complainant must be participating or attempting to participate in the College’s educational program or activities at the time of the filing of the Formal Complaint.

Incapacitation: A person cannot consent if they are unable to understand what is happening or disorientated, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

- a. Incapacitation negates consent. An individual cannot give consent when mentally or physically incapacitated, when the incapacity is known or based on the circumstances should reasonably have been known to be incapacitated.
- b. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- c. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
- d. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Mandated Reporter: Mandated Reporters are required to report allegations regarding conduct prohibited by this policy to the Title IX Coordinator. All faculty, staff, security and contractors of the Maria College are mandated reporters.

Party or Parties: Refers to the Complainant and the Respondent, collectively.

Prohibited Conduct: Conduct prohibited by this Policy, as defined in Section VI.

Respondent: When used in this policy, “Respondent” is the person who is alleged to have engaged in Prohibited Conduct.

IV. STATEMENT REGARDING PRIVACY AND CONFIDENTIALITY

Maria College is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. To the fullest extent practicable, consistent with fair and full investigation procedures, information related to a report of Prohibited Conduct will be shared only with those who “need to know” (i) to assist in the investigation or resolution of the report, or (ii) to allow the College to comply with other requirements under this Policy or state or federal law. Individuals who are involved in the review, investigation, or resolution of reports or Formal Complaints are trained to safeguard private information.

Complainants, Respondents, and any witnesses involved in a resolution process under this policy are strongly encouraged to exercise discretion in sharing information learned in such process in order to protect the privacy of the individuals involved, to safeguard the integrity of the process, and to avoid the appearance of retaliation.

The College prohibits parties from distributing documents obtained in the course of their participation in matters under this Policy’s accompanying procedures, including, but not limited to, the Formal Complaint, interview summaries or transcripts, and the evidence file and investigative report, other than for the purpose of consulting with an advisor; incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role; or as part of a civil, criminal, or administrative legal proceeding.

As appropriate, in a given case, a College official, such as the Title IX coordinator, may issue an order restricting the parties from disclosing specific information. Additionally, sharing private information in a manner that harms another individual may constitute retaliation prohibited under this Policy.

The College will provide other participants, such as witnesses, investigators, and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with the College’s rules regarding privacy which are set forth in this section.

Students and employees who wish to obtain confidential assistance without making a report to the school may do so by contacting the confidential resources listed in Appendix C. These resources will not share any personally identifiable information with other College employees without express permission unless doing so is necessary to address a serious and ongoing threat to the campus community.

When the College receives a report or Formal Complaint of Prohibited Conduct, but the Complainant requests that their identity remain confidential or that the College not take action to address the conduct reported, the College must balance this request against its responsibility to provide a safe and non-discriminatory environment for all members of the campus community. The College will take all reasonable steps to investigate and respond to the report consistent with

the Complainant's request, but its ability to do so may be limited. If the College determines that it cannot maintain Complainant's request for confidentiality, the College will inform the Complainant as soon as practicable and will take immediate and necessary action to protect and assist the Complainant. The Complainant will not be required to participate in any proceedings initiated by the College. However, if Complainant declines to participate in an investigation or adjudication under this Policy and its Procedures, the College's ability to meaningfully respond to a report of Prohibited Conduct may be limited.

V. TITLE IX COORDINATOR

Maria College has designated the Title IX Coordinator, with the assistance of designated staff, to coordinate the College's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA) and New York State Law. The Title IX Coordinator oversees compliance with all aspects of this Policy, including oversight of the College's response to all reports of Prohibited Conduct.

When used in this Policy, the term Title IX Coordinator may include an appropriate designee. The Title IX Coordinator's contact information is:

Dr. William Boerner
Title IX Coordinator
TitleIX@mariacollege.edu

Cassandra Metcalf Deputy
Title IX Coordinator
TitleIXdeputy@mariacollege.edu
cmetcalf@mariacollege.edu

Rosalyn Vazquez Deputy
Title IX Coordinator
TitleIXdeputy@mariacollege.edu
RVazquez@mariacollege.edu

If you have any questions about this Policy, you may contact the College's Title IX Coordinator or a Deputy Title IX Coordinator.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and related complaint resolution procedures. The Title IX Coordinator may delegate responsibilities under this policy to designated College staff or external professionals, who will have appropriate training or experience. Individuals tasked with aspects of implementation of this Policy and its Procedures are vetted and trained to ensure that in overseeing the institutional response to reports of Prohibited Conduct or the provision of supportive measures they do not act with bias for or against any party in a specific case, or for or against Complainants or Respondents, generally.

VI. PROHIBITED CONDUCT

The conduct prohibited by this Policy ("Prohibited Conduct") is set out below. The College will respond to all reports of Prohibited Conduct pursuant to the applicable Procedures set out in this

Policy.

Conduct that does not meet the definitions below or that is not otherwise prohibited by this Policy may violate other College policies or may be considered inappropriate or unacceptable within the College community. In appropriate cases, the Title IX Coordinator may refer such conduct elsewhere within the College for resolution.

1. Title IX Sexual Harassment

Title IX Sexual Harassment is conduct on the basis of sex, occurring within the United States, that constitutes one or more of the following:

a. Quid Pro Quo Sexual Harassment: an employee of Maria College, conditions the provision of an aid, benefit, or service of the College, on an individual's participation in unwelcome sexual conduct; or

b. Hostile Environment Sexual Harassment: unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the College's education program or activity.

c. Sexual Assault: Any sexual act directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent.

i. Non-Consensual Sexual Penetration (Rape, Sodomy)

a. Penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the individual or against the individual's will, or

b. not forcibly or against the individual's will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

ii. Non-Consensual Sexual Contact (Fondling)

a. The touching of the private body parts of another individual (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, without the consent of the individual or against the individual's will, or

b. not forcibly or against the individual's will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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

iv. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent. The age of consent in New York is 17 years old.

d. Dating Violence: Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of

domestic violence.

e. Domestic Violence: Violence, committed by a current or former spouse or intimate partner of an individual, by a person with whom the individual shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner, or by a person similarly situated to a spouse of the individual under the domestic or family violence laws of New York, or by any other person against an adult or youth individual who is protected from that person's acts under the domestic or family violence laws of New York.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

f. Stalking: Engaging in a course of conduct, directed at a specific person, that would cause a reasonable person to fear for that person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Additional Requirements Conduct must also meet the following additional requirements to fall within the definition of Title IX Sexual Harassment:

- It must occur within the United States; and
- It must occur within the scope of the College's educational program or activities;
- It must occur on or after August 14, 2020.

Prohibited Conduct occurs within the scope of Maria College's education programs or activities when:

- It occurs on campus;
- It occurs on a property or in any facility owned and controlled by the College;
- It occurs as part of the College's operations;
- The College exercised substantial control over the Respondent.

As described in Section X(4)(b) of this Policy, if conduct alleged in a Formal Complaint does not meet the definition of Title IX Sexual Harassment, the College must dismiss the Formal Complaint (or the allegations of Title IX Sexual Harassment in the Formal Complaint) for purposes of compliance with Title IX. If the conduct would still, as alleged, constitute Non-Title IX Prohibited Conduct under this Policy, the College may continue to address the allegations pursuant to the Procedures in this Policy set forth in Appendix A or B.

2. Non-Title IX Prohibited Conduct In addition to the conduct set forth above as Title IX Sexual Harassment, the following conduct is also prohibited under this Policy:

a. Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment includes conduct that meets the definition of Title IX Sexual Harassment but does not occur within the United States or within Maria College's educational program or activities (e.g., sexual harassment occurs on a school trip outside of the United States). Non-Title IX Sexual Harassment also includes conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes an unwelcome sexual advance, a request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present; or unwelcome conduct based on sex, gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present;

- (i) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any College program or activity or is used as the basis of College decisions affecting the individual; or
- (ii) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to
 - the frequency, nature, and severity of the conduct;
 - whether the conduct was physically threatening;
 - the effect of the conduct on the Complainant's mental or emotional state;
 - whether the conduct arose in the context of the discriminatory conduct;
 - whether the conduct unreasonably interfered with the Complainant's educational or work performance or College programs or activities; and
 - whether the conduct is protected by academic freedom or freedom of speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

- b. Non-Title IX Sexual Assault: Non-Title IX Sexual Assault includes conduct that meets the definition of Title IX Sexual Assault but does not occur within the United States or within the College's educational program or activities.
- c. Non-Title IX Dating Violence: Non-Title IX Dating Violence includes conduct that meets the definition of Title IX Dating Violence but does not occur within the United States or within the College's educational program or activities.
- d. Non-Title IX Domestic Violence: Non-Title IX Domestic Violence includes conduct that meets the definition of Title IX Domestic Violence but does not occur within the United States or within the College's educational program or activities.
- e. Non-Title IX Stalking: Non-Title IX Stalking includes conduct that meets the definition of Title IX Stalking but does not occur within the United States or within the College's educational program or activities.
- f. Sexual Exploitation: Sexual Exploitation is intentionally engaging in any of the following:
 - i. observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 - ii. making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
 - iii. exposing one's genitals to another person without the consent of that person;
 - iv. exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed; and
 - v. causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation.
- g. Aiding or Facilitating: Knowingly and intentionally aiding or facilitating any act of sexual misconduct, before or after the fact, is a violation of this policy.
- h. Retaliation: Retaliation is adverse action taken against an individual with the purpose of interfering with an individual's rights under these procedures, including for making a good faith report of prohibited conduct, for participating in an investigation, proceeding, or hearing, or for refusing to participate in an investigation, proceeding, or hearing under these procedures. Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.
- i. False or Bad Faith Allegations: An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from the College's academic programs.

VII. CAMPUS AND COMMUNITY RESOURCES

1. Overview of Resources and Disclosures

Maria College is committed to treating all individuals with dignity, care, and respect. Both Complainants and Respondents have equal access to services through the College. All parties are encouraged to utilize on-campus or off-campus resources for assistance. For a comprehensive list of resources, see Appendix C of this policy.

Any individual who has been the victim of a crime is encouraged to get to a safe place and to call 911 or to contact local law enforcement, immediately.

Maria College recognizes that not every individual will choose to report conduct prohibited by this Policy to the College or to law enforcement. Accordingly, Confidential Resources are available to all students and employees. Confidential Resources can provide critical support and information and can assist individuals in evaluating whether to make a report to the College or to law enforcement. Confidential Resources are listed in Appendix C. A Confidential Resource is required by law to protect confidentiality when acting in the course of professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual.

All members of the faculty, staff, security, and contractors are mandated reporters and have an obligation to share any reports of conduct prohibited by this Policy with the Title IX Coordinator.

2. Medical Care After a Sexual Assault

Any person who experiences sexual assault or violence is encouraged to immediately seek medical assistance. Seeking medical care does not result in a report to law enforcement or to the College. In the aftermath of sexual assault or violence, medical providers can facilitate or provide the following:

- Treatment of any injury or physical trauma

- HIV and STI testing
- Pregnancy testing
- Advice on health care concerns related to the incident.
- Collection and preservation of evidence as a part of a sexual assault forensic exam for potential use in criminal prosecution.

VIII. MAKING A REPORT UNDER THIS POLICY

1. Reporting Guidelines All members of the Maria College community are encouraged to report information about any form of conduct potentially prohibited by this Policy involving a student or an employee. The College will respond to all reports of Prohibited Conduct, including contacting the Complainant to discuss the availability of supportive measures, resources for support, and options for resolution.

At the time a report of Prohibited Conduct is made, a Complainant does not have to decide whether to pursue resolution of the report through any particular resolution process. Choosing to make a report and deciding how to proceed can

be a process that unfolds over time. Although the College may need to take action as a result of a particular report, the College will endeavor to respect a Complainant's wishes in making the decision that is best for them and will provide support to assist each individual in making that decision. Because the conduct prohibited by this Policy often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be substantiated by additional direct evidence. Lack of corroborating direct evidence should not discourage a person from reporting an experience of Prohibited Conduct.

Individuals may make a report of Prohibited Conduct by filling out Online Reporting Form or by emailing the Title IX Coordinator, or the Deputy Title IX Coordinators.

a. **Mandated Reporters**

All College faculty, staff and security and contractors are Mandated Reporters. When Mandated Reporters become aware, either directly or through a third party of an alleged incident of sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) or other conduct prohibited by this Policy, that involves a student as either the Complainant or Respondent, they are always obligated to report the information they have to the Title IX Coordinator. Mandated Reporters should be prepared to report the name, date, time, location, and description of the incident (if known). They are otherwise required to maintain an individual's privacy to the greatest extent possible.

When the Title IX Coordinator receives a report of Prohibited Conduct, they will contact the Complainant, if known, or another individual reporting the Prohibited Conduct to offer resources and supportive measures. The individual will also be advised of the option to pursue a Formal Complaint, if such an option is available, and any other available reporting options and resources.

A Mandated Reporter who receives a report, should not, under any circumstances, attempt to resolve the report without first reporting it to the Title IX Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

b. **Time Frame for Reporting** There is no time limitation on reporting or filing a Formal Complaint of Prohibited Conduct to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on reports and Formal Complaints significantly impacted by the passage of time (including, but not limited to, acts that have been impacted by the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures or remedies, or engage in informal or formal action, as appropriate.

When a Formal Complaint is filed after a significant delay the College will apply the Policy in place at the time of the alleged Prohibited Conduct and the

Procedures in place at the time the report was made.

c. Anonymous Reporting

Individuals may submit reports of Prohibited Conduct anonymously. An individual may make a report without disclosing their name, identifying the Respondent, or requesting action. Depending on the level of information included about the conduct or the individuals involved, anonymous reporting may reduce the College's ability to respond or take appropriate action. Moreover, the College will generally not be able to take disciplinary action against an individual based solely on an anonymous report. A form that can be used for anonymous reporting can be found here: [Online Reporting Form](#)

d. Public Awareness and Advocacy Events Public awareness or advocacy events at which community members disclose incidents of Prohibited Conduct do not initiate the College's Title IX obligations, including its obligation to investigate reports of Prohibited Conduct. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

2. Response to Reports of Prohibited Conduct Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will provide Complainant with an explanation of their rights under this Policy, the process for filing a Formal Complaint, and an overview of their options for resolution of the Formal Complaint and the Procedures associated with each resolution process. The Complainant will also be informed of the range of possible outcomes of the resolution process, including potential remedial actions and possible disciplinary actions that may be taken against the Respondent upon a finding of a violation of this Policy. The Complainant will also be advised of their right to request that the College refrain from initiating a resolution process and their right to file a report with Maria College Public Safety and state and local law enforcement. The Complainant will be informed of the availability of supportive measures regardless of whether Complainant files a Formal Complaint. The Title IX Coordinator will consider the Complainant's requests for supportive measures in accordance with Section, IX of this Policy.
3. Advisors
The Complainant and Respondent have the right to have an advisor of their choosing present with them at all stages under this Policy and its Procedures. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting or proceeding, advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings or proceedings, with the exception that a party's advisor participating in a hearing under Appendix A will ask questions of the other party and witnesses. The College may establish additional restrictions, beyond the restrictions set forth in this section regarding

the extent to which the advisor may participate in the proceedings.

An advisor should plan to make themselves reasonably available, and the College will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

If an advisor fails to comply with the Procedures set forth herein or established rules of decorum, the College reserves the right to exclude the advisor from further participation in the process. The Title IX Coordinator is responsible for interpreting and applying this provision.

In sexual misconduct cases involving students only, the Complainant and the Respondent may have no more than two people (i.e., a personal supporter, an attorney, a trained advocate, or an advocate supervised by an attorney) at any hearing, meeting, or interview during the investigation and hearing process. Support persons may not also be witnesses to the matter. The support person, advisor, and attorney are permitted to be present and to provide private advice and counsel to the student only, but is not permitted to participate in hearings, meetings, or interviews directly (for instance, the advisor is not permitted to address the investigators or hearing panelists). Disruptive supporters, attorneys, or advisors may be removed and prohibited from further participation in the investigation and hearing process.

4. Amnesty for Drug and Alcohol Use for Students

The health and safety of every student at Maria College is of utmost importance. The College recognizes that students who have been drinking or using drugs (whether such use is 13voluntary or involuntary) in violation of other College policies may be hesitant to report incidents due to fear of potential consequences for their own conduct. The College strongly encourages individuals to report such Prohibited Conduct. A Complainant, bystander, or other individual who in good faith reports Prohibited Conduct under this Policy to a College official or law enforcement will not be disciplined for such conduct, if such conduct violates other Maria College policies or expectations of behavior.

5. Coordination with Law Enforcement

Maria College strongly encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and dating and domestic violence, and stalking that may also be crimes under New York law. The College will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue criminal action to the extent permitted by law.

Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The College may not delay

conducting its own investigation unless specifically requested by the law enforcement to do so.

In the event of such a specific request, the College will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

IX. SUPPORTIVE MEASURES

Maria College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, or deter harassment, discrimination, or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice of a report or a Formal Complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant and Respondent to ensure that their wishes are considered with respect to the supportive measures that are offered. The College will maintain the privacy of the supportive measures, provided that privacy does not impair its ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

Supportive measures may include, but are not limited to the following:

- Referral to counseling, medical, or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations

- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX & Compliance Director

Review of Supportive Measures

Upon request to the Title IX Coordinator, a Complainant or Respondent will be afforded a reasonable and prompt review of any supportive measure that directly affects them and will be permitted to submit evidence in support of any changes requested. The Title IX Coordinator, or their designee, will conduct the review and will advise the parties of the determination within five business days of the submission of the request for review.

Emergency Removal

If after undertaking an individualized safety and risk analysis, the Title IX Coordinator, in consultation with the Vice President for Advancement for Employees and/or the Associate Vice President for Academic and Student Life or designee determines that the Respondent poses an immediate threat to the physical health or safety of any student or other individual in the College community, the College may remove the Respondent on an emergency basis. The length and nature of the removal will depend on the facts of the particular case. The College will notify the Respondent of the emergency removal. Both the Complainant and the Respondent will have an opportunity to challenge the decision and its terms, including by submitting evidence, immediately following the removal.

Administrative Leave

The College may place a non-student employee Respondent on paid or unpaid administrative leave, consistent with the Employee Handbook or Faculty Handbook, as may be applicable, during the pendency of a Formal Resolution process conducted pursuant to this Policy and its procedures.

X. RESOLUTION PROCESS

1. Options for Report Resolution

Reports of Prohibited Conduct are generally resolved either through a support-based resolution of a report of Prohibited Conduct, an informal resolution of a Formal Complaint, or a formal Resolution of a Formal Complaint.

2. Initial Inquiry

When the Title IX Coordinator receives any report of Prohibited Conduct, the Title IX Coordinator will initiate an inquiry into the allegations. Information learned during the initial inquiry will inform the Title IX Coordinator's determination regarding the provision of supportive measures to the parties and appropriate resolution processes.

3. Support-based Resolution

A Support-based resolution of a report of Prohibited Conduct occurs when the

report does not result in the filing of a Formal Complaint. Support-based resolutions will include the offering and provision of supportive measures intended to restore equal access to the College's educational programs and activities and to preserve a safe and non-discriminatory environment for living, working, and learning. It may also include additional, non-disciplinary steps intended to stop discriminatory conduct from occurring, prevent future acts of discriminatory conduct, and to remedy the effects of the discriminatory conduct.

4. **Formal Complaints** A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging violation of this Policy against a Respondent and requesting that the College initiate an informal or formal Resolution of the Formal Complaint pursuant to this Policy and its Procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. Formatters involving Title IX Prohibited Conduct, the Complainant must be participating in the College's educational program or employed at the time of the filing of the Formal Complaint.

If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator has discretion to file a Formal Complaint. Where the Title IX Coordinator determines that the College cannot honor the Complainant's request that no Formal Complaint be pursued under this Policy, the Title IX Coordinator will promptly initiate the resolution process by making a signed, written Formal Complaint on behalf of the College. In determining whether to file a Formal Complaint, the Title IX Coordinator will consider the following:

- whether the Respondent has a history of violent behavior or is a repeat offender;
- whether the incident represents escalation in unlawful conduct by the Respondent from previously noted behavior;
- the increased risk that the Respondent will commit additional acts of violence;
- whether the Respondent used a weapon or force;
- whether the Complainant is a minor;
- whether the College possesses other means to obtain evidence such as security footage; and
- whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator decides to file a Formal Complaint, The Title IX Coordinator will notify the Complainant of the College's intention to proceed with a Formal Complaint and will take immediate action as necessary to protect and assist the Complainant. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, typically, the Complainant's identity would have to be disclosed as part of the College's investigation. The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in an investigation or the adjudicative process under this Policy and its Procedures, the College's ability to investigate meaningfully and respond to a report of prohibited conduct may be limited.

- a. **Consolidation of Formal Complaints** The Title IX Coordinator has the discretion

to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or conduct that is temporally or logically connected. In the event that the allegations under this Policy involve allegations of a violation of a separate policy, the College will have the right, within its sole discretion, to consolidate those other allegations within one investigation or hearing under this Policy and its accompanying Procedures.

b. Dismissal of Formal Complaints After the filing of the Formal Complaint, or during the initial inquiry, investigation, or resolution process, it may become apparent that conduct alleged in a Formal Complaint does not meet the definition of Title IX Sexual Harassment as defined in section VI(1) of this Policy. In that case, in accordance with Title IX, the Title IX Coordinator must dismiss the Formal Complaint (or the allegations of Title IX Sexual Harassment, therein). If the conduct would still, as alleged, constitute Non-Title IX Prohibited Conduct as defined in section VI(2) of this Policy, the College will continue to address the allegations pursuant to this Policy and the resolution procedures set forth in Appendices A or B. If the conduct, as alleged, does not constitute a violation of this Policy, the Formal Complaint will be dismissed in its entirety. If the conduct, as alleged, violates another College policy, the Title IX Coordinator must transfer the matter, and all information related to it, to the appropriate College office for assessment and potential further action.

The Title IX Coordinator must dismiss a Formal Complaint alleging Title IX Sexual Harassment where:

- the conduct alleged in the formal complaint would not constitute prohibited conduct as defined in section VI(1) of this Policy, or
- the conduct did not occur in the College's education program or activity, or
- the conduct did not occur against a person in the United States.

The Title IX Coordinator may dismiss a Formal Complaint where:

- the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein, prior to resolution; or
- The Respondent is no longer enrolled in, or employed by, the College; or
- specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. The parties may appeal the dismissal of the Formal Complaint on any of the bases and pursuant to the procedures set forth in Section XII Appeals, below.

5. Notice of Allegations

At the issuance of a Formal Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the filing of the Formal Complaint and commencement of resolution process pursuant to this Policy and its Procedures and will provide both parties with a copy of the Formal Complaint. Such notice will

- identify the Complainant and the Respondent;
- specify the alleged prohibited conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Formal Complaint;
- specify the factual allegations pertaining to the prohibited conduct;
- specify any sanctions that may be imposed, including the College's transcript notation policy;
- specify which procedures will be used to resolve the Formal Complaint
- identify the investigator(s) or the facilitator of informal resolution;
- include information about the parties' respective rights and obligations under this Policy and the applicable procedures;
- inform the parties of their right to have an advisor of choice at all stages of the resolution process, who may accompany the respective parties to meetings and proceedings;
- inform the parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation; and
- instruct the parties to preserve any potentially relevant evidence, whatever its form.

If, at any point prior to the resolution of the Formal Complaint, the Title IX Coordinator determines that there are additional allegations of Prohibited Conduct not included in the original notice that should be investigated, the Title IX Coordinator must provide the parties with an amended notice of additional allegations.

6. Informal Resolution At any time after a Formal Complaint has been filed and before a hearing commences, the parties may seek to resolve a report of prohibited conduct through Informal Resolution, an administrative process. Participation in Informal Resolution is entirely voluntary; the Title IX Coordinator will neither pressure nor compel either party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms. Informal resolution may not be used in cases where an employee is alleged to have committed Title IX Sexual Harassment against a student.

Before the Title IX Coordinator approves the Informal Resolution process or the terms of any Informal Resolution, the Title IX Coordinator will determine that they have sufficient information about the matter to make these decisions. The parties are strongly encouraged, although not required, to consult with their advisors during the Informal Resolution process.

If the informal resolution process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to the Formal Complaint resolution process under this Policy and its Procedures. For this reason, the investigator will not participate in Informal Resolution. The Title IX Coordinator will oversee the Informal Resolution process and have access to all College records in the matter, including any records

or reports prepared during an investigation.

The Title IX Coordinator will consult separately with both parties and recommend to the parties the terms of a potential Informal Resolution agreement. Such terms may include, but are not limited to, any sanctions or remedies that could be imposed as a result of a finding following a hearing under these proceedings.

Both parties must agree to the terms before an Informal Resolution agreement becomes effective. At any time before a written agreement is effective, the Complainant or the Respondent may withdraw from the Informal Resolution process, and the Title IX Coordinator may also, at their discretion, terminate the process.

If both parties are satisfied with the Title IX Coordinator's recommendation, the matter will be resolved with a written agreement. The Title IX Coordinator will provide each party, separately, with a copy of the proposed agreement for the party to review, sign, and return. If both parties return the signed written agreement to the Title IX Coordinator the terms of the agreement will become effective, and the Title IX Coordinator will promptly notify both parties in writing that the agreement is final. Once the agreement is effective, the parties may not appeal the agreement and the Complainant may not seek to refile the Formal Complaint absent new allegations of misconduct. The parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to proceedings under the other College policies, such as the student code of conduct, the Employee Handbook, or the Faculty Handbook.

If the process is terminated and the matter is resolved pursuant to the Formal Resolution process, neither the Title IX Coordinator nor the parties will disclose to the Investigator, Decision-maker, or Appellate reviewers either the fact that the parties had participated in the Informal Resolution process, or any information learned during the process.

While the parties are exploring Informal Resolution, any pending investigation will pause, and the time spent pursuing resolution in this way will not count toward the investigation time limit.

Informal Resolution may take two forms: (1) Restorative Agreements, or (2) Negotiated Agreements.

- a. Restorative Agreement The purpose of a Restorative Agreement is for the parties to identify and agree on a set of remedies. Upon successful completion of those remedies, the Formal Complaint will be resolved and may not be refiled. Such remedies may include the following:

- Impact Letter;
- Apology Letter;
- Directed Study;
- Reflection Paper; or
- Other forms of restorative actions

In order for a resolution under this subsection to be reached, the Respondent need not accept responsibility.

- b. Negotiated Agreement As a necessary precondition of a Negotiated Resolution, the Respondent must accept responsibility for all or part of the alleged prohibited conduct. The parties will then have an opportunity to negotiate with the Title IX Coordinator what they believe the appropriate sanction should be. In support of their position, parties are encouraged to submit impact/mitigation information they believe the Title IX Coordinator should consider in evaluating any sanction.

The Title IX Coordinator has the discretion to propose other terms for the resolution that may be appropriate to address the prohibited conduct for which the Respondent has accepted responsibility.

If the Respondent agrees to a Negotiated Agreement under Informal Resolution that provides for a suspension, withdrawal, or dismissal (i.e., expulsion) from the College, there will be a transcript notation consistent with the College's policy.

6. Formal Resolutions

The Formal Resolution process is guided by provisions of this section of this Policy and by the Procedures accompanying this, Policy. The applicable procedure is determined by the type of prohibited conduct alleged (Title IX Sexual Harassment or Non-Title IX Prohibited Conduct) and the identity of the Respondent. Upon receipt of a report or a Formal Complaint, the Title IX Coordinator will determine which procedure applies.

The Formal Resolution process is overseen by the Title IX Coordinator and will be conducted in a prompt and equitable manner, pursuant to the time frames set forth in Section XIII. Throughout the Formal Resolution process, all responsible personnel will maintain a commitment to impartiality.

a. Evidentiary Standard and Burden of Proof

The Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence. Maria College, not the parties, has the burden of proof and the burden of gathering evidence sufficient to reach a finding of responsibility.

Investigation and Adjudication Procedures Appendix A outlines the procedures for the Formal Resolution of Formal Complaints of Prohibited Conduct of Title IX Sexual Harassment (Student and Employee Respondents) and/or Non-Title IX Prohibited Conduct (Student Respondents only).

Appendix B outlines the procedures for the resolution of reports of Non-Title IX Sexual Misconduct committed by employees in violation of this Policy.

XI. SANCTIONS

Sanctions include (but are not limited to) the following:

- College warning (except in cases of sexual assault/violence)
- Suspension/expulsion
- Probation
- Termination of employment
- Other steps to address the impact of harassment or discrimination on the Reporting Party, any witnesses, and the College community.

XII. APPEALS

Both the Complainant and the Respondent may appeal the Title IX Coordinators dismissal of a Formal Complaint or any allegations therein or, the determination of responsibility following a hearing or, on the following grounds:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- the Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- sanction or remedies imposed are not commensurate with finding made.

A party may commence an appeal by submitting a written statement to the Title IX Coordinator within ten (10) business days of issuance of the final determination of responsibility or the dismissal of the Formal Complaint. The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

Although not required, the parties are encouraged refer to the investigative report and record, and the hearing record, in their appeal statement to support their appellate arguments. The appeal statement will be limited to 3500 words. Failure to submit an appeal within the ten (10) business days or any approved extension constitutes waiver of the right to appeal.

A copy of the appeal statement will be provided to the other party, who, within ten (10) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing party's statement and the specific facts asserted by the appealing party. The response will be limited to 3500 words.

The Title IX Coordinator will submit the appeal and response, if any, to the appellate panel, which will be comprised of three individuals appointed by the Title IX Coordinator. The panel members/reviewer will not be the Title IX Coordinator, the investigator, or a Decision-maker.

The Appeal Panel will establish a reasonable schedule for issuing a written decision, typically no later than ten (10) business days after receipt of the non-appealing party's submission or the time for submission has expired.

The Appeal Panel may affirm the decision or sustain any of the above-specified grounds for appeal, in which case the Appeal Panel may:

- reverse a decision or finding;
- change a sanction or remedy;
- remand a decision to the Title IX Coordinator;
- remand a case to the original Decision Maker(s) for clarification or reconsideration consistent with the Appeal Panel's decision, if doing so would assist with a timely, practicable, and efficient resolution of the case;
- remand a case for a new hearing to either the original Decision Maker(s) or a newly composed Decision Maker(s); or
- remand a case for a new or additional investigation, followed by an adjudication consistent with these procedures, to either the original investigator or to a new investigator.

If the Appeal Panel reverses a finding of not responsible, the Appeal Panel must also determine the sanctions and remedies to be included in their written decision. If the Impact/Mitigation Statements have not previously been distributed, they would be distributed to both parties only upon a finding of responsibility, and, in that instance, when the Title IX Coordinator distributes the Appeal Panel's written decision to the parties.

If the Appeal Panel calls for the admission of new evidence, if possible, it will remand the case to the Decision-maker from which it originated for a new hearing or review. Upon remand from the Appeal Panel, as necessary and possible, a Decision-maker may remand a case to the investigator from which it originated for further investigation.

The decision of the Appeal Panel will be final and binding on all parties.

XIII. TIME FRAMES

Maria College seeks to resolve all reports of Prohibited Conduct pursuant to the following time frames.

- Informal Resolution: The informal resolution process is typically completed within 30-60 calendar days.
- Formal Resolution: The formal resolution process is typically completed within 90-120 calendar days.

The Title IX Coordinator may extend the time frames for good cause. Good cause for extension may include the unavailability of the parties or their advisors, concurrent law enforcement investigation, the complexity of the allegations, or other extenuating circumstances. Any extension, and the reason(s) therefore, will be shared with the parties, in writing.

XIV. TRAINING

The Title IX Coordinator, Investigators, Decision-makers, Appellate Reviewers, and Facilitators of Informal Resolutions, shall, at a minimum, receive all training and education required pursuant to Title IX, the Violence Against Women Act, and New York State Law.

XV. RECORD KEEPING

Maria College will maintain the following records:

- records of reports of Prohibited Conduct under this Policy and any actions taken in response to the reports, including the issuance of supportive measures and educational efforts;
- records related to each Formal Resolution process;
- records related to each Informal Resolution process; and
- materials used to train and educate the Title IX Coordinator, Investigators, Decision-makers, Appellate Reviewers, and Facilitators of Informal Resolutions.

This information will be used by the Title IX Coordinator to monitor patterns and areas of concern. In general records will be kept for seven (7) years after the date the reported incident is resolved. Certain records may be retained longer in the College's sole discretion, including for active employees.

Appendix A: Procedures for the Formal Resolution of Formal Complaints of Prohibited Conduct of Title IX Sexual Harassment (Student and Employee Respondents) and/or Non-Title IX Prohibited Conduct (Student Respondents only)

- I. **SCOPE OF THESE PROCEDURES** The procedures set forth below will guide the investigation and adjudication of Formal Complaints of Title IX Sexual Harassment, as defined in Section VI (1) regardless of whether the respondent is a student or employee. These procedures will also apply to Formal Complaints of Non-Title IX Prohibited Conduct, as defined in Section VI (2) when the respondent is a student.
- II. **INITIATION OF THE INVESTIGATION** An investigation under these procedures will be initiated at the Title IX Coordinator's direction after the filing of a Formal Complaint and the issuance of a Notice of Allegations to the parties.
- III. **THE INVESTIGATION**
 1. **Overview of the Investigation** The investigation is a neutral fact-gathering process. During the investigation, the parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the investigator to each other or to any witness. The investigators will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either party. The College may continue an investigation without the participation of any party.
 2. **The Investigator** Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator(s) will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator(s) may be a College employee or an external party.
 3. **Evidence Collection**
 - a. **Testimonial Evidence Collection: Investigative Interviews** Testimony is

evidence. Thus, throughout the investigation, the Investigator(s) will endeavor to interview the parties and other individuals (witnesses) who have information that is relevant or directly related to the allegations in the Formal Complaint, including fact and expert witnesses. The Investigator(s) will provide to everyone whose participation in an investigative interview is invited or expected written notice of the date, time, and location of the interview, and the parties will be given a sufficient time to prepare to participate.

If a party declines to participate in investigative interviews deemed necessary by the investigator, the party will forfeit the opportunity at the hearing to provide testimony at the hearing. If a witness declines to participate in an investigative interview, they will not be permitted to provide testimony at the hearing. Employees that are fact witnesses (and not a complaining or responding party) are expected to cooperate and testify and may not refuse to participate, without otherwise being deemed insubordinate.

Investigative interviews may be conducted in person, or via telephone or video conference. Investigative interviews will be recorded. Following the investigative interview, the Investigator(s) will prepare a full written summary of the interview ("Interview Summary"). This summary will be shared with the interviewee and the interviewee will be provided five(5) business days to submit, in writing to the investigator, any corrections to, or comments about, or proposed changes to, the interview summary that the interviewee believes is necessary to ensure the accuracy of the interview summary. Submissions made by the interviewee will be attached to the original summary. The deadline for submitting a response may be extended for good cause, upon request to the Investigator(s). If no response is received from the interviewee, the summary prepared will be presumed accurate.

b. Non-Testimonial Evidence Collection During the investigative interviews, the Investigator(s) will gather other available evidence and information that is directly related to the allegations in the Formal Complaint, including, without limitation, electronic and other records of communications between the parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Logs The Investigator(s) will maintain a log of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator(s) will also maintain a log of all testimonial and non-testimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These logs will be made a part of the evidence file.

4. Review of the Draft Investigative Report and Draft Evidence File
 - a. The Draft Evidence File

At the conclusion of the investigation, the Investigators will compile all the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the investigator does not intend to rely. This compilation of evidence will be referred to as the “Draft Evidence File.” The Draft Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint.

b. Review and Opportunity to Respond

Upon completion, the Investigator(s) will share the Draft Evidence File and Draft Investigative Report with the parties and their advisors electronically, or by hard copy. The parties will then be afforded ten (10) business days to review the Draft Evidence File and Draft Investigative Report and to submit an optional written response, which may include responses to the evidence and requests that the Investigator(s) accept, seek, or obtain additional evidence or conduct follow up inquiries of the other party(ies) or witnesses. The parties' responses may also include challenges to the Investigator's assessment of relevance. Any responses submitted by the parties will be shared with the other party and made a part of the Final Evidence File.

c. Additional Evidence Collection

The Investigator(s) will consider the written responses of the parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in collection of additional evidence, such additional evidence will be included in the Draft Investigative File and incorporated, as appropriate, into the Draft Investigative Report. The new evidence and any changes to the Draft Investigative Report and will be shared with the parties and their advisors electronically, or by hard copy. The parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period, not to exceed a reasonable period of time.

Any additional responses submitted will be shared with the other party and made a part of the Final Evidence File.

d. Prohibition of Evidence

Not Offered During the Investigation In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator(s) during the investigation or during this designated response and review period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered during the hearing process.

5. Final Investigative Report and Final Evidence File

At the conclusion of the fact gathering process and the review periods, as described

in this Procedure, the Investigator(s) will prepare a Final Investigative File and Investigative Report.

a. The Final Investigative File

The Final Investigative File will include all of the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the College does not intend to rely. The Final Investigative File will also include any responses submitted by the parties during the evidence review period and a timeline of all procedural steps taken by the College from the time of the filing of the Formal Complaint to the conclusion of the investigation.

The Final Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint. The final section will include the procedural timeline.

b. The Final Investigative Report

The Final Investigative Report will be prepared by the Investigator(s) and will fairly summarize all of the relevant evidence obtained during the investigation. Relevance Determinations are generally guided by the principles set forth below in Section V of this Procedure.

c. Submission of the Final Investigative Report and Evidence File to the Parties

The Final Investigative Report and Evidence File will be simultaneously provided to the parties and their advisors in electronic format or hard copy, at least ten (10) business days prior to a hearing. The parties will have ten (10) business days to submit a written response to the Final Investigative Report and Evidence File.

The Final Investigative Report and Evidence File, and any written responses submitted by the parties will be provided to the Decision Maker(s).

IV. THE HEARING

1. Overview Upon conclusion of the investigation, a hearing will be held to determine whether the Respondent is responsible for the alleged policy violations in the Formal Complaint. As set forth in Section X of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence.

The hearing is a private proceeding. The only people present will be the parties, their advisors, the Decision-maker(s), witnesses (when testifying),

and any staff necessary for conducting the hearing.

2. Hearing Participants

a. Decision-makers

The College will designate the Decision-maker for the moderation of the hearing and determination of finding and sanction. This may take the form of a single decision-maker or a three-member panel at the Title IX Coordinator's discretion. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) may not be the Title IX Coordinator, a facilitator of informal resolution, or the investigator.

Upon receipt of the notice of the Decision-Maker or three-member panel, Parties will have three (3) business days to object to the appointment of a Decision-maker, on the basis of demonstrated bias or conflict of interest.

b. The Parties

The Parties are permitted to participate in the entirety of hearing, portions thereof, or they can decline to participate in the hearing entirely, and the Decision-maker(s) will not draw an adverse inference against a party based solely on their decision not to participate in all or some of the hearing proceedings.

In accordance with Section III(3)(a) of these procedures, if a party declined to participate in investigative interviews deemed necessary by the investigator, the party will not be permitted the opportunity to provide testimony at the hearing.

Nonetheless, if a party who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Hearing Chair, upon the Chair's discretion, may permit the party to participate. If the Hearing Chair permits the party to participate in the hearing, the Hearing Chair will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

c. Advisors

The parties have the right to have an advisor of their choice present at the hearing in accordance with Section VIII (3) of this Policy. If a party does not have an advisor of choice, the Title IX Coordinator will appoint an advisor to that party for the sole purpose of conducting cross examination of other party and witnesses. A party's advisor of choice or an advisor appointed by the Title IX Coordinator may participate in the hearing for the sole purpose of conducting cross examination in the absence of their advisee.

As set forth in Section VIII (3) of this Policy, Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay or

disrupt the hearing. If an advisor fails to comply with the procedures set forth herein or the established rules of decorum, the College reserves the right to exclude the advisor from further participation in the process. The Title IX Coordinator is responsible for interpreting and applying this provision.

d. Witnesses

The Decision-maker(s) will determine, in their sole discretion, which witnesses will be invited to provide testimony at the hearing. Witnesses who are invited to participate in the hearing will be permitted to attend the hearing only when providing testimony.

In accordance with Section III(3)(a) of these procedures, a witness who declined to participate in an investigative interview will not be permitted to provide testimony at the hearing.

However, if a witness who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Decision-maker(s), upon their discretion, may permit the party to participate. If the Decision-maker(s) permits the party to participate in the hearing, the Decision-maker(s) will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

e. Hearing Facilitators The orderly administration of hearings will be supported by Hearing Facilitators, who are individuals either internal or external to the College and appointed by the Title IX Coordinator.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

3. Notice of Hearing

The Title IX Coordinator will notify the parties in writing of the date, time, and location/format of the hearing. The notice will include the charges at issue; a summary of the alleged prohibited conduct; and the applicable procedures under this Policy. All efforts will be made to provide the Notice of Hearing no later than five (5) business days prior to the hearing and to schedule the hearing as soon as practicable.

Either party may request to have a hearing rescheduled. The request may be granted at the discretion of the Title IX Coordinator. Absent extenuating circumstances, requests to reschedule must be submitted at least three (3) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason. Given the number of individuals involved in a hearing, and the attendant difficulty of scheduling and rescheduling them in a timely manner, it may not be

possible to accommodate all scheduling requests. The Title IX Coordinator may also reschedule a hearing, without a request by the parties, when there is reasonable cause to do so.

4. Hearing Format

The hearing will be live and will provide the parties an opportunity to address the Decision-maker(s) in person. Participants may be physically present in the same geographic location, or at the College's discretion, some or all of the hearing may be conducted remotely, using virtual platforms (i.e., videoconferencing). Upon request to the Title IX Coordinator, a party may participate in the hearing remotely. Such requests for remote participation should be made at least two (2) days in advance of the scheduled hearing.

5. Pre-Hearing Conferences

At least three (3) days prior to the hearing, the Title IX Coordinator and the Decision-maker(s) will meet with the parties and their advisors, separately, for the purposes of conducting a pre-hearing conference. At the pre-hearing conference, the Decision-maker(s) will review these procedures, the Rules of Decorum, and the proposed hearing schedule and the parties will be permitted to ask questions.

The Decision-maker(s) will not discuss matters of evidence of evidentiary issues with the parties during the pre-hearing conference.

6. Impact Mitigation Statements

The parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The parties may submit the statement up until the start of a hearing. The statements are distributed to the Decision-maker(s) and the parties only if the Decision-maker(s) finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the parties with a copy of the Decision Maker(s)'s written decision.

7. Hearing Procedures Typically, the format of the hearing will be as follows:

- a. Opening Instructions The hearing will begin with opening instructions by the Hearing Chair. The parties will be afforded the opportunity to ask questions about the format of the hearing and these procedures at the conclusion of the Chair's opening instructions.
- b. Testimony The Decision-maker(s) will determine the order of testimony. The Decision-maker(s) will question the party or witness first, followed by cross examination of a party by the other party's advisor. In the case of witness testimony, the Decision-maker(s) will question the witness first, followed by cross examination of the witness, first by Complainant's advisor and next, by the Respondent's advisor.

During cross examination, the party's advisor will be permitted to ask the opposing parties and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent, or witness responds to a question by a party's advisor, the Decision-maker(s) must first

determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Decision-maker(s) retain authority to ask questions at any time during testimony, including during cross examination by the advisors.

c. Closing Remarks by the Hearing Chair

At the conclusion of testimony, the Hearing Chair will conclude the proceedings with brief closing remarks.

8. Determination Regarding Responsibility and Notice of Outcome

The Decision-maker(s) will determine whether Respondent is responsible of the alleged violation(s) of the Policy by a majority vote based upon a preponderance of the evidence standard. The Decision-maker(s) retains discretion regarding the weight or credibility to assign the evidence. If the Decision-maker(s) make a finding of responsibility, the Decision-maker(s) will determine the appropriate sanctions and remedies, in accordance with Section XI of this Policy by a majority vote.

In matters where a finding of responsibility is made, the Decision-maker(s) will consider the Impact/Mitigation statements of the parties prior to determining sanction.

The Decision-maker(s) will issue a written determination of findings that will include the procedural steps taken during the investigation, the specific prohibited conduct for which the Respondent was found responsible and not responsible with identification of the allegations potentially constituting Title IX sexual harassment, the findings of fact and the rationale for the Decision Maker(s)'s determinations regarding both responsibility and sanctions, whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant, sanctions and remedies if the Respondent is found responsible, and, instructions and time limits for appeals.

The decision may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision-maker(s) deems appropriate. Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision-maker(s) written determination.

9. Hearing Record An audio recording will be made of all hearings, but not of deliberations. The parties may listen to the audio recording of the hearing. Access will be facilitated in a manner deemed appropriate by the Title IX Coordinator.

Individuals appearing before the Decision-maker(s), whether as a party or witness, are prohibited from recording any portion of the hearing. The Decision-maker(s) members are also prohibited from recording any portion of the hearing.

The Decision-maker(s) has access to the hearing record. The hearing record will include: the audio recording and written transcript of the hearing, the Decision-maker(s)'s final determination, the final evidence file and investigative report,

and if there is a determination of responsibility, the parties' Impact/Mitigation Statements, and information concerning the Respondent's prior misconduct.

V. EVIDENTIARY CONSIDERATIONS

1. Relevance Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

a. Prior Sexual History of Complainant Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior are considered irrelevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

b. Prior or Subsequent Conduct Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

c. Mental Health Condition, Treatment, or Diagnosis Generally, during both the investigation and any hearing to determine responsibility, evidence of the party's mental health diagnosis or treatment is irrelevant.

d. Privilege The investigator(s) and Decision-maker(s) will not allow or rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. Newly Offered Evidence

If, after the issuance of the final evidence file and investigative report and prior to the issuance of the Decision-maker(s) decision, including at the hearing, a party or the investigator seek to present a witness or introduce evidence not offered prior to the hearing and not disclosed to the investigator, the Decision-maker(s) may grant admission of the evidence such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where Decision-maker(s) permit a party to introduce a newly discovered witness or evidence, the Decision-maker(s) will reschedule or adjourn the hearing for the investigator to investigate the newly discovered witness or evidence and, if appropriate to amend the final evidence file and investigative report.

Appendix B: Procedures for the Formal Resolution of Formal Complaints of Non-Title IX Prohibited Conduct by Employees

- In a situation where the complainant and respondent are non-students, such as employees or contractors, all appropriate employment guidelines will be followed for investigation and resolution.
- In a situation where the complainant is a student and respondent is an employee, all appropriate employment guidelines will be followed for resolution.

Appendix C: Resources for Support College Resources:

1. Pastoral Care

Maria College provides confidential spiritual services through Pastoral Care. For more information on these services: <https://mariacollege.edu/student-support/spiritual-support/pastoral-care>

2. U Will

Maria College has partnered with U Will to provide mental health support to Maria students. Students can access free and confidential mental health counseling, education, and consultation.

For more information on how to access U Will and the type of services provided, <https://mariacollege.edu/student-support/personal-support/counseling-center> or visit <https://app.uwill.com/register>

Student can access U Will services by using their Maria College email address.

Off Campus Confidential Resources for Students, Faculty, and Staff:

1. Police 24-hour: 911

2. Albany County Crime Victims and Sexual Violence Center: (518) 447-7716 or main number 518-447-7100 Equinox Domestic Violence Services: (518) 432-7865

3. In Our Own Voices – LGBT Domestic Violence Support Line: 518-432-4341

4. National Sexual Abuse hotline: 800-656-HOPE

5. NYS Police Dedicated 24-hour hotline: 844-845-7269

6. NYS Domestic and Sexual Violence hotline: 800-942-6906

Applicable Federal Laws

This policy supplements the general policy statement set forth in Maria College's Non-Discrimination policy and addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), the Campus Sexual Violence Act ("SaVE"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery"), Title IV of the Civil Rights Act of 1964 ("Title IV") and the Family Educational Rights and Privacy Act of 1964 ("FERPA").

Civil Rights Compliance Officer

The CRC Officer is responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy. The CRC Officer is also responsible for conducting the investigation of an alleged violation of the policy. The CRC Officer will be available to meet with or talk to students and employees regarding issues relating to Title IX or any issues related to misconduct and this policy. The CRC Officer can be reached at 700 New Scotland Avenue, Albany, NY or by phone at (518) 861-2580 or by email at: CivilRightsCompliance@mariacollege.edu

Education Programs

Maria College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking; safe and positive bystander intervention when there is a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures.

PROCEDURES FOR SURVIVORS OF SEXUAL ASSAULT, ACTS OF VIOLENCE, & STALKING

Survivors/victims of sexual assault, domestic violence, dating violence or stalking will be provided written information about evidence preservation, how and to whom to report these crimes, options about law enforcement and campus authorities, and assistance in notifying law enforcement if the victim chooses, as well as the option to decline to notify authorities. Victims will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available options.

Written Notifications

Maria College will provide written notification to students, employees, and victims of crimes involving sexual assault, acts of violence, & stalking about existing and available counseling, health, victim advocacy, legal assistance, visa and immigration assistance, and other services available in community and or campus to victims of sexual assault, dating violence, domestic violence and stalking.

Guidelines For Sexual Assault Assistance

1. If you are raped or sexually assaulted
 - Get to a safe place as soon as you can.
 - Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all the clothing you were wearing at the time of the attack in a paper, not plastic, bag.
 - Get medical attention as soon as possible to make sure you are physically well and to permit collection of important evidence in the event that you may later wish to take legal action.
 - Follow Maria College reporting procedures.
 - Talk with an advocate or counselor who will maintain privacy, help explain your options, give you information, and provide emotional support.
 - Contact someone you trust to be with you and support you.
 - Past abuse: Many individuals experience sexual assault and never tell anyone about it at the time of the incident. If you were victimized weeks or years ago, assistance is still available to you. Talking with someone now may help you cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

2. Immediate and Follow-up Medical treatment

- Assess and treat any physical injuries.
- Determine the risk of sexually transmitted disease or pregnancy and take preventive measures.
- Gather evidence that could aid criminal prosecution.

3. Counseling and emotional support

On campus

Maria College's Title IX Coordinator and Deputy Coordinators are available to assist victims of sexual assault with the provision of supportive services along with resource and referral.

Off campus

Albany County Crime Victims and Sexual Violence Center Crisis Hotline:

518-447-7716 (main number: 518-447-7100).

Equinox Inc. Domestic Violence Services crisis hotline:

518-432-7865 (main number: 518-434-6135)

[Sexual Assault and Crime Victims Assistance Program](#)

Sexual Assault 24-hour hotline: (518) 271-3257

It Happened To Alexa Foundation

"It Happened to Alexa Foundation" assists rape victims and their families by easing the financial burden they face while traveling to attend the criminal trial.

Contact Information:

It Happened to Alexa Foundation

125 South First Street

Lewiston, New York 14092

Phone: (716) 754-9105; 877-77-ALEXA (25392)

Fax: (716) 754-4676

Email: info@ithappenedtoalexa.org

Website: www.ithappenedtoalexa.org

COUNSELING SERVICES

Maria College supports the overall wellness of our students by providing access to free and confidential short-term mental health counseling, education, and consultation through U Will, a leading mental health and wellness therapy solution that allows students the ability to connect immediately with available licensed mental counselors based on their unique needs and preferences, whether at home or on campus. Students may choose between video, phone, chat, and message-based support. Individuals using this service will be assisted with compassion, dignity, and respected in a culturally sensitive, non-judgmental manner. The college's website lists emergency resources, with contact details for students, staff and faculty to use when the situation is of an urgent nature.

HEALTH SERVICES

All new students are requested to bring their immunization records when they register. Any delays must be discussed with the Vice President for Academic Affairs. These records are requested to be handed into Admissions before the first day of classes. All health records submitted to this office are kept confidential. The facilities of St. Peter's Hospital are conveniently located within a block of the main campus in case of an emergency or serious illness.

MEGAN 'S LAW

Megan's Law generally provides for some type of public notification of the whereabouts of convicted sex offenders after their release from prison. Law enforcement information provided by the state concerning registered sex offenders in the area can be obtained by accessing the New York State Sex Offender Registry at <http://criminaljustice.ny.gov/nsor/>, or from an independent website at www.parentsformeganslaw.org

CRIME STATISTICS

The College's Safety Department records information relevant to any crime-related activity occurring on campus. Statistics are published annually and are available to anyone upon request. They are also available on the U.S. Department of Education website ([HTTP://OPE.ED.GOV/SECURITY](http://OPE.ED.GOV/SECURITY)) "OPE ID 00276300" or by contacting the AVP of Administrative Services at 518-861-2558. Upon request, the Advisory Committee on Campus Safety will provide all campus crime statistics as reported to the United States Department of Education.

CRIME STATISTICS

Offense	Year	On Campus Property	Non Campus Property	Public Property
Murder/ Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Forcible	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Non-Forcible	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking Incidents	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Larceny	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: 2020, 2021, 2022: None

Maria College Geography

Geography definitions from Clery Act:

On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). At Maria, this includes these locations:

Maria College

700 New Scotland Avenue
Albany, NY 12208

On-Campus:

- Main Building
- Marian Hall
- Mercy Hall
- McAuley Building
- Pine Tree
- Garage Building
- Parking spots

Non-Campus

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

APPENDIX A: Commonly Abused Drugs

Substance: Category and Name	Examples of <i>Commercial</i> and Street Names	DEA Schedule* / How Administered**	<i>Intoxication</i> <i>Effects/Potential Health</i> <i>Consequences</i>
<i>Cannabinoids</i>			<i>euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination/cough, frequent respiratory infections; impaired memory and learning; increased heart rate, anxiety; panic attacks; tolerance, addiction</i>
hashish	boom, chronic, gangster, hash, hash oil, hemp	I/swallowed, smoked	
marijuana	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	I/swallowed, smoked	
<i>Depressants</i>			<i>reduced anxiety; feeling of well-being; lowered inhibitions; slowed pulse and breathing; lowered blood pressure; poor concentration/fatigue; confusion; impaired coordination, memory, judgment; addiction; respiratory depression and arrest, death</i> <i>Also, for barbiturates—sedation, drowsiness/depression, unusual excitement, fever, irritability, poor judgment, slurred speech, dizziness, life-threatening withdrawal.</i> <i>for benzodiazepines—sedation, drowsiness/dizziness</i>
barbiturates	<i>Amytal, Nembutal, Seconal, Phenobarbital</i> ; barbs, reds, red birds, phennies, tooies, yellows, yellow jackets	II, III, V/injected, swallowed	
benzodiazepines (other than flunitrazepam)	<i>Ativan, Halcion, Librium, Valium, Xanax</i> ; candy, downers, sleeping pills, tranks	IV/swallowed, injected	

<u>flunitrazepam***</u>	<i>Rohypnol</i> ; forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies	IV/swallowed, snorted	<i>for flunitrazepam</i> —visual and gastrointestinal disturbances, urinary retention, memory loss for the time under the drug's effects <i>for GHB</i> —drowsiness, nausea/vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death <i>for methaqualone</i> — <i>euphoria</i> /depression, poor reflexes, slurred speech, coma
<u>GHB***</u>	<i>gamma-hydroxybutyrate</i> ; G, Georgia home boy, grievous bodily harm, liquid ecstasy	I/swallowed	
methaqualone	<i>Quaalude, Sopor, Parest</i> ; ludes, mandrex, quad, quay	I/injected, swallowed	
<i>Dissociative Anesthetics</i>			<i>increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting</i>
ketamine	<i>Ketalar SV</i> ; cat Valiums, K, Special K, vitamin K	III/injected, snorted, smoked	<i>Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest</i> <i>for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence/loss of appetite, depression</i>
PCP and analogs	<i>phencyclidine</i> ; angel dust, boat, hog, love boat, peace pill	I, II/injected, swallowed, smoked	
<i>Hallucinogens</i>			<i>altered states of perception and feeling; nausea; persisting perception disorder (flashbacks)</i> <i>Also, for LSD and mescaline—increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness,</i>
LSD	<i>lysergic acid diethylamide</i> ; acid, blotter, boomers, cubes, microdot, yellow sunshines	I/swallowed, absorbed through mouth tissues	

mescaline	buttons, cactus, mesc, peyote	I/swallowed, smoked	<i>numbness, weakness, tremors</i> <i>for LSD —persistent mental disorders</i> <i>for psilocybin—nervousness, paranoia</i>
psilocybin	magic mushroom, purple passion, shrooms	I/swallowed	
<i>Opioids and Morphine Derivatives</i>			<i>pain relief, euphoria, drowsiness/nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death</i> <i>Also, for codeine—less analgesia, sedation, and respiratory depression than morphine</i> <i>for heroin—staggering gait</i>
codeine	<i>Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine; Captain Cody, Cody, schoolboy; (with glutethimide) doors & fours, loads, pancakes and syrup</i>	II, III, IV/injected, swallowed	
fentanyl and fentanyl analogs	<i>Actiq, Duragesic, Sublimaze; Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash</i>	I, II/injected, smoked, snorted	
heroin	<i>diacetylmorphine; brown sugar, dope, H, horse, junk, skag, skunk, smack, white horse</i>	I/injected, smoked, snorted	
morphine	<i>Roxanol, Duramorph; M, Miss Emma, monkey, white stuff</i>	II, III/injected, swallowed, smoked	

opium	<i>laudanum, paregoric</i> ; big O, black stuff, block, gum, hop	II, III, V/swallowed, smoked	
oxycodone HCL	<i>Oxycontin</i> ; Oxy, O.C., killer	II/swallowed, snorted, injected	
hydrocodone bitartrate, acetaminophen	<i>Vicodin</i> ; vike, Watson-387	II/swallowed	
<i>Stimulants</i>			<p><i>increased heart rate, blood pressure, metabolism; feelings of exhilaration, nergy, increased mental alertness/rapid or irregular heart beat; reduced appetite, weight loss, heart failure, nervousness, insomnia</i></p> <p><i>Also, for amphetamine—rapid breathing/ tremor, loss of coordination; irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis</i></p> <p><i>for cocaine—increased temperature/chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches,</i></p>
amphetamine	<i>Biphetamine, Dexedrine</i> ; bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers	II/injected, swallowed, smoked, snorted	
cocaine	<i>Cocaine hydrochloride</i> ; blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot	II/injected, smoked, snorted	
MDMA (methylenedioxy-methamphetamine)	Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC	I/swallowed	

methamphetamine	<i>Desoxyn</i> ; chalk, crank, crystal, fire, glass, go fast, ice, meth, speed	II/injected, swallowed, smoked, snorted	malnutrition, panic attacks <i>for MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings</i> /impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity <i>for methamphetamine—aggression, violence, psychotic behavior</i> /memory loss, cardiac and neurological damage; impaired memory and learning,
methylphenidate (safe and effective for treatment of ADHD)	<i>Ritalin</i> ; JIF, MPH, R-ball, Skippy, the smart drug, vitamin R	II/injected, swallowed, snorted	tolerance, addiction <i>for nicotine</i> —additional effects attributable to tobacco exposure, adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, addiction
nicotine	cigarettes, cigars, smokeless tobacco, snuff, spit tobacco, bidis, chew	not scheduled/smoked, snorted, taken in snuff and spit tobacco	
Other Compounds			
anabolic steroids	<i>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise</i> ; roids, juice	III/injected, swallowed, applied to skin	<i>no intoxication effects</i> /hypertension, blood clotting and cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, development of beard and other masculine characteristics
inhalants	<i>Solvents (paint thinners, gasoline, glues), gases (butane, propane,</i>	not scheduled/inhaled	<i>stimulation, loss of inhibition; headache; nausea or vomiting; slurred speech, loss of motor coordination;</i>
	<i>aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets</i>	through nose or mouth	<i>wheezing</i> /unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death

*Schedule I and II drugs have a high potential for abuse. They require greater storage security and have a quota on manufacturing, among other restrictions. Schedule I drugs are available for research only and have no approved medical use; Schedule II drugs are available only by prescription (non-refillable) and require a form for ordering. Schedule III and IV drugs are available by prescription, may have five refills in 6 months, and may be ordered orally. Most Schedule V drugs are available over the counter.

**Taking drugs by injection can increase the risk of infection through needle contamination with staphylococci, HIV, hepatitis, and other organisms.

***Associated with sexual assaults.

Appendix B. Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2 or More Prior Offenses: Life imprisonment
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount			

Flunitrazepam (Schedule IV)	Less than 30 mgs	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> Not less than 10 years, not more than life If death or serious injury, not less than 20 years, not more than life Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> Not less than 20 years, not more than life If death or serious injury, mandatory life Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> Not more than 30 years If death or serious injury, mandatory life Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> Not more than 5 years Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> Not more than 10 years Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		