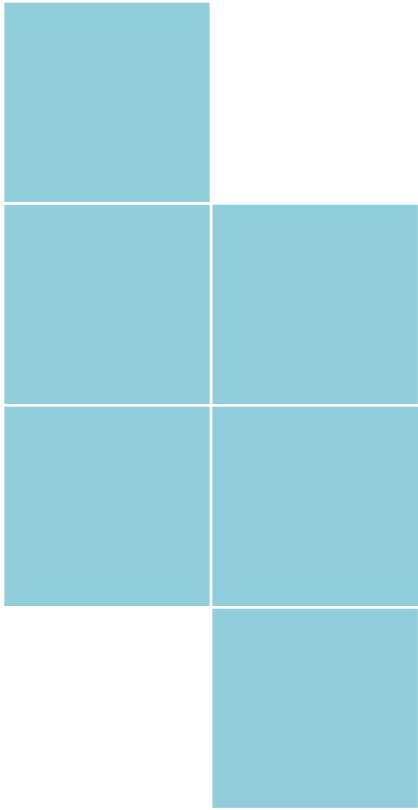


**January 1, 2017 – December 30, 2017**



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

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## 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

Maria College does not discriminate in admission, employment, in the administration of its educational policies, scholarship and loan programs, and other institutionally-administered programs, on the basis of an individual's actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, familial status, military status, veteran status, disability, domestic violence status, genetic information, or any other basis prohibited by New York state and/or federal non-discrimination laws. Retaliation against any individual because he or she made a complaint, testified or participated in any manner in an investigation or proceeding will not be tolerated and is unlawful under Civil Rights laws.

### Civil Rights Compliance Officer

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

Director of Human Resources  
Maria College  
700 New Scotland Avenue  
Albany, NY 12208  
(518) 861-2598  
[CivilRightsCompliance@mariacollege.edu](mailto:CivilRightsCompliance@mariacollege.edu)

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

|                              |   |
|------------------------------|---|
| New York Office              | Telephone: 646.428.3900   |
| Office for Civil Rights      | Fax: 646.428.3843; TDD: 800.877.8339  |
| U.S. Department of Education | E-mail: <a href="mailto:OCR.NewYork@ed.gov">OCR.NewYork@ed.gov</a>  |
| 32 Old Slip, 26th Floor      | <a href="http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf">http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf</a> |
| New York, NY 10005-2500      |   |

## IMPORTANT PHONE NUMBERS

|  |                          |
|--|--------------------------|
| Security   | (518) 376-0690           |
| Switchboard  | (518) 438-3111 ext. 2510 |
| Vice President of Finance and Administration (Joel Nudi)                   | (518) 861-3115           |
| Vice President of Mission, Planning and Student Affairs (Victoria Battell) | (518) 861-2571           |
| Student Counselor (Kim Noakes)   | (518) 861-2508           |
| Title IX Coordinator Ann Reis)   | (518) 861-2598           |
| Life Threatening Emergency   | 911                      |

## ANNUAL SECURITY REPORT DISCLOSURE

The offices of the Registrar, Title IX Coordinator, Dean and Vice President of Academic Affairs, Vice President of Mission, Planning and Student Affairs & Dean of Students, Director of Human Resources, and Vice President of Finance and Administration 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](http://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 Student Support & Services 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 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 Vice President of Finance and Administration, the APD and the security services firm communicate regularly on the scene of incidents that occur in and around the College. The Vice President of Finance and Administration 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 Vice President of Finance and Administration 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 Finance & Administration  
Vice President of Mission, Planning, and Student  
Affairs and Dean of Students  
Vice President of Academic Affairs  
Director of Human Resources  
Associate Dean of Student Affairs  
Campus Security Officers  
Title IX Coordinator & Deputy Coordinators  
Counselor and Accessibility Services Coordinator

## 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 Vice President of Finance and Administration constitutes an immediate or ongoing threat, a campus-wide “timely warning” will be issued. In evaluating the situation and making that determination, the President or Vice President of Finance and Administration may consult with other members of the Senior Leadership Team, 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.
3. Call the College operator at (518) 438-3111, ext. 2510, and ask him/her to notify Security that a 911 response party is coming. If you are unable to call 911 on your phone, ask the operator to call 911 and give him/her the details of the incident to report.

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 Vice President of Finance and Administration.
4. Complete an incident report and give it to the Vice President of Finance and Administration with a copy to the Vice President of Mission, Planning and Student Affairs, 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 Vice President for Finance and Administration 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:*  
Vice President for Finance and Administration  
or  
Chief Marketing & Communications Officer

**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 Vice President for Finance and Administration 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 Vice President for Finance and Administration 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 Vice President for Finance and Administration will conduct a “tabletop exercise” once a year with those individuals responsible for responding to an emergency incident. Local law enforcement, firefighters and first responders will be invited. Simulated scenarios will be provided with an assessment at the end to obtain feedback from participants. The goal of this exercise is so everyone understands his or her role and responsibility in case of an emergency.

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 Vice President of Finance and Administration for seven years.

## **ACCESS TO COLLEGE FACILITIES**

Most college buildings and facilities are accessible 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. During non-business hour’s access to all College facilities is by key, if issued, or by admittance via the Vice President of Finance and Administration. When the College is closed for an extended period, the College will admit only those with prior written approval from the Vice President of Finance and Administration 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.

Beginning with the winter of 2017, access to the McAuley Building (and floors within) is allowed and tracked using a proximity sensor on the ID Card. This is planned to extend to the rest of the campus in 2018.

The Vice President of Finance and Administration, 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 Associate Vice President of Student Affairs-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 Student Handbook, provided the internet link to access it (<https://mariacollege.edu/student-support>), 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. This handbook 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.

**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.

**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 Vice President of Finance and Administration.

**Architectural Design:** The Vice President of Finance and Administration 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.

The following are considered specific violations of the Student Code of Conduct. Violations of the Student Code of Conduct include, but are not limited to:

1. Academic misconduct including, but not limited to, plagiarism, cheating, forgery or alteration of institutional records, and use of electronic devices during testing. If a student is suspected of serious academic misconduct, such as cheating, the instructor will confront the student at the time of suspected misconduct, confiscate suspected documents and report the misconduct to the Academic Dean.
2. Disruptive classroom behavior or the refusal to behave civilly so that teaching and learning within the classroom are obstructed. Disruptive classroom behavior may be physical or verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that prevents other students from learning and the instructor from teaching. Students who refuse to be civil may be asked to leave the classroom and/or be removed from the course.
3. Prohibited behavior: Violations of College policies and regulations and violations of federal, state and local laws are prohibited. This regulation applies to both online and offline conduct. These include, but are not limited to:
  - a. Use of, or threatened use of abusive, threatening or dangerous behavior, including, but not limited to: arson, physical abuse, verbal abuse, threatening behaviors or statements, conduct which endangers or threatens health, safety or well-being of any person or aspect of the college community. This includes, but is not limited to:
    - i. Engaging in fighting or violent, tumultuous or threatening behavior
    - ii. Using abusive or obscene language, making an obscene or lewd gestures, or using abusive, obscene or lewd chanting in a public place
    - iii. Creating a hazardous or physically offensive condition; public urination
    - iv. Engaging in conduct that has the intent to harass, demean, annoy or alarm another person (including, but not limited to, initiating communication via telephone, telegraph, mail, electronic mail or other form of written or social communication, or by making a telephone call or calls, whether or not a conversation ensues, with no purpose of legitimate conversation)
    - v. Using electronic or photographic means to record another person, without

- that person's knowledge, when they have a reasonable expectation of privacy
- vi. Actions or attempted actions which inflict bodily harm upon any person and/or result in unwanted physical contact.
  - vii. Stalking in unwelcome communications of any type, including face-to-face, telephone calls, voice messages, email, text messages, social media, written letter or notes, unwanted gifts, etc., use of threatening words or conduct, or pursuing or following.
  - viii. Unauthorized Surveillance or taking photographic images of a person dressing or undressing or of a person's intimate body parts in a place where there is a reasonable expectation of privacy.
4. Possession or storage of any firearms, illegal fireworks, incendiary device, explosives, or any dangerous instrument and/or weapon.
  5. Possession, use, or alcohol; inappropriate and disruptive behavior resulting from the use of alcohol.
  6. Possession, use, or sale of illegal drugs; inappropriate and disruptive behavior resulting from the use of illegal drugs.
  7. Theft, destruction, damage or defacement of college property or the property of others.
  8. Sexual misconduct, as defined in Maria College's Title IX Policy, which includes but is not limited to sexual harassment, sexual violence, dating violence, domestic violence, and stalking.
  9. Computer abuse as defined in Maria College's Information Technology's Acceptable Use Policy.
  10. Falsely reporting an Emergency, including but not limited to: bomb, fire or other emergency in any building, structure or facility on College premises or at any College-related function by activating a fire alarm or by any other means.
  11. Participating in hazing or any other situation that endangers an individual's mental and/or physical health and/or involves the forced consumption of alcohol and/or drugs. A full description of the hazing policy is located later in this section.
  12. Bullying or harassment of another student, employee, or visitor; the use of threats to intimidate, control, humiliate, and/or mentally or physically injure another. This also includes, but is not limited to, derogatory comments or behaviors with respect to race, color, creed, religion, national origin, ancestry, genetic information, sex, age, disability, sexual orientation, marital/familial status, veteran status, political beliefs or any other protected class or status recognized by federal, state or local laws.
  13. Illegal gambling on-campus.
  14. Tobacco use on-campus.
  15. Unauthorized use of emergency or safety equipment: unauthorized use, tampering with or alteration of firefighting equipment, safety devices or other emergency or safety equipment.
  16. Failure to comply with a direction(s) of any College official acting in performance of his/her duty
  17. Violation of any other college policies, regulations or procedures or inciting another person(s) to do so.

## Procedures for Notifying Students about the Code of Conduct Policies

- The Students will be informed of the Code of Conduct for Students during new student orientation.
- Copies of the Student Handbook can be found on the College's website, on the student portal, or in the Department of Student Affairs.

### **Disciplinary Hearing: Due Process for Violation of Code of Conduct for Students:**

Any member of the College Community may file an Incident Report of an alleged violation of the Student Code of Conduct, which includes time, place, and circumstances surrounding the situation.

#### ***Procedures:***

1. Incident Report forms should be utilized to report violations of the Student Code of Conduct. Incident Report forms are available in the Department of Student Affairs, at the Security Desk, in the Business Office, and on the Maria College Faculty/Staff Portal, and at security stations.
2. The report is reviewed by the Dean of Students or designee, who will start the investigation and will either dismiss the case or notify the student(s) of the alleged violation within five (5) working days.
3. A time and place for meeting with the student(s) is determined by the Dean of Students or designee, to try to resolve the charges brought against the student(s).
4. If violations involve more than one student, the disciplinary process may be conducted separately.
5. All incident reports will be shared with those student(s) in violation of the Student Code of Conduct.
6. If the student(s) in violation fails to respond or attend the above mentioned meeting, a disciplinary decision will still be rendered.
7. Within five (5) working days following the investigation, follow-up written notification will be sent to inform the student of the decision and the proposed disciplinary action unless a verbal warning is issued.
8. The following possible sanctions may be imposed singularly or in any combination. The Vice President of Mission, Planning and Student Affairs or designee is not limited to the following sanctions as they may impose other sanction(s) considered appropriate.

In instances where Academic Misconduct has been reported, the Dean of Students will defer authority to the Vice President of Academic Affairs.

Should a student's presence on campus create a threat to the safety or well-being of other members of Maria College community, the College reserves the right to immediately suspend that student from campus until the time of a hearing. Additionally, the College reserves the right to resolve a case and sanction a student, including suspension, without a hearing where such action is deemed necessary or appropriate by the President of the College.

#### ***Possible Sanctions:***

- A. Dismissal of any action against the student and clearing of his/her name.
-

- B. Verbal Warning: A discussion about the incident with no written follow-up or notification issued.
- C. Written Warning: A written notice to the student notifying that his/her conduct is in violation of college regulations and the continuation of said conduct for a stated period of time may be cause for more serious disciplinary action.
- D. Restitution: Financial reimbursement for damages to property.
- E. Community Service: A stated number of hours of donated service commensurate to the alleged violation.
- F. Disciplinary Probation: A stated trial period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the College Community.
- G. Disciplinary Suspension: A stated period of time, not to exceed one academic year, when the student is excluded from classes or activities. Procedures for readmission to the college or activities must be specifically outlined.
- H. Disciplinary Dismissal from the College: Permanent termination of status as a student of the College.

### **Appeals Process:**

If the student wishes to appeal the disciplinary action proposed by the Dean of Students or designee, the student must submit a written request to Office of the President within five work days of the date of the written notification. Upon receipt, the President will submit the appeal to the Chairperson of the Appeals Panel for official review.

### ***Appeals Panel Review:***

The Appeals Panel is assembled if a student challenges the disciplinary sanctions imposed for a Student Code of Conduct violation by the Dean of Students or designee. A student who wishes to challenge the disciplinary sanctions may request a review by the Appeals Panel. The Appeals Panel's responsibility is to only review the sanctions imposed by the Dean of Students or designee. The decision of the Review Appeals Panel is final.

### ***Procedures:***

1. If the student wishes to appeal the disciplinary action proposed by the Dean of Students or designee, the student must submit a written request to the Office of the President within five school days of the date of the written notification.
  - a. The appeal must include a written statement of the grounds for appeal, including an outline of the supporting evidence.
2. The Appeals Panel is appointed by the President of the College will consist of the following:
  - a. One Faculty member, recommended by the Academic Affairs Committee
  - b. One Staff member, recommended by the Director of Human Resources
  - c. Chairperson, appointed by the President from the President's Cabinet, excluding the Dean of Student Services or designee.
  - d. A quorum of the Appeals Panel shall consist of three members and a majority vote will be necessary in deciding all cases.
  - e. If there is a conflict of interest, the President will appoint an additional panel member from the campus community.
3. The Appeals Panel will review the case and make a recommendation whose decision is final. A majority vote will be necessary in deciding all cases. The decision will be submitted to the



President of the College and appropriate authority, Dean of Students, Vice President of Academic Affairs, and Title IX Coordinator.

4. If a hearing is requested by the appeals panel, the student must be notified of the date, time, and location of the review at least two work days in advance. An advisor of the student's choice may be present during the appeal process. The advisor may not participate directly in the hearing, but may only render advice to the student. The advisor must be a current employee of the college.
  - a. The student must submit the name of his/her advisor to the Chairperson of the Appeals Panel at least twenty-four hours in advance of the review.
  - b. If the student charged with misconduct does not appear for the Appeals hearing, then the original sanction will stand.
  - c. Following the presentations, the Appeals Panel shall go into executive session to decide if the student charges with the infraction violated the Student Code of Conduct. The Appeals Panel will find either in favor of the original decision or find in support of the student and reduce or eliminate the sanctions imposed.
  - d. The Appeals Panel cannot increase the severity of the sanctions leveled.
5. The decision shall be in writing from the Chairperson of the Appeals Panel and forwarded to both parties within two working days for the conclusion of the appeal process.
6. The decision of the Appeals Panel is final.
7. All penalties are suspended during an appeal, except in emergency circumstances as where a situation indicates that there is a possible danger involved in order to protect the campus community of a student's physical and/or emotional safety and well-being.

## **STUDENT GRIEVANCE PROCEDURES**

A grievance may involve any area of student life on campus. It is the right of all students to file an incident report with the College if a violation of the code of conduct has occurred. In such incidents, the due process for a violation of code of conduct for students will commence. All grievances involving conduct in violation of sexual misconduct should follow the procedures listed in Title IX Policy.

In many situations, students having a grievance should first request a conference with the member of the Maria College community that the grievance is with. Should no solution be reached, a formal grievance procedure may be initiated.

### **The following grievance procedures apply to all Maria College Students**

**STEP 1.** Try to resolve the complaint through an informal discussion with the grievant and the respondent (the person or people against whom the complaint is made).

**STEP 2.** If no resolution is found after ten (10) working days in Step 1, the student should seek the help of the Dean of Students or Vice President of Academic Affairs when the grievance involves an academic dispute. The Dean of Students or designee will assist the grievant in putting the grievance into writing and will arrange a meeting with the involved parties, which includes the Dean of Students or designee. If a satisfactory solution is not forthcoming within fifteen (15) working days, then the grievant can move to Step 3.

**STEP 3.** The Dean of Students or designee will meet with grievant and the respondent and appoint an ad hoc review committee.

- A. The Dean of Students or designee will appoint a 3 person ad hoc review committee who has not been involved in the situation, to conduct a hearing. The Dean of Students or designee may institute temporary measures during the duration of the hearing process.
- B. At the hearing, the parties will have the right to rebut any accusations and dispute evidence or witnesses or otherwise defend his/her actions.
- C. An advisor of the students' choice may be present during hearing. The advisor may not participate directly in the hearing, but may only render advice to the student. The advisor must be a current employee of the college.
- D. The committee will recommend a decision, and if appropriate a sanction, to the Dean of Students. The Dean of Students or designee will render a final decision within five days of the conclusion of the investigation and hearing.
- E. The Dean of Students or designee will send written notification to inform the student of the decision and the proposed disciplinary action; unless a verbal warning is issued.

**STEP 4.** If the student wishes to appeal the decision by the Dean of Students, or designee, the student must submit a written request to Office of the President within five work days of the date of the written notification. Upon receipt, the President will submit the appeal to the Chairperson of the Appeals Panel for official review. The decision of the Appeals Panel is final.

### **Ad Hoc Review Committee**

A three person committee comprised of students, faculty, and/or staff, including a chair appointed by the Dean of Students, or Vice President of Academic Affairs when the grievance involves an academic dispute. The chair is responsible for organizing the committee and writing any reports. The Ad Hoc Review Committee meets to review grievances by a student who has not had a satisfactory resolution in Steps 1 and 2 of the Student Grievance Procedure. The Dean of Students will initiate the convening of the committee.

### **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**

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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:

- *Maria College Security*  
Main Building: 518-376-0690
- *Title IX Coordinator*  
Main Building: 518-861-2598
- *Chief Student Affairs Officer (Vice President of Mission, Planning and Student Affairs, Dean of Students)*  
Frank E. O'Brien, Jr. Student Support Center, Mercy Hall: 518-861-2571
- *Disability Services Coordinator/Mental Health Counselor*  
Frank E. O'Brien, Jr. Student Support Center, Mercy Hall - (518) 861-2508
- *Albany Police Department: Dial 911*
- *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.

## ALCOHOL AND DRUG POLICY

The objective of the alcohol and drug policy is to maintain a healthy and productive environment; free from the effects of alcohol/drug abuse.

Maria College views chemical dependency as a disease that can endanger the well-being of students, faculty, staff, and the community they serve. Therefore, Maria College prohibits the use, possession, selling, or distribution of alcohol/drugs on campus property. The College holds each person responsible for his/her conduct at all times, including behaviors which occur under the influence of alcohol/drugs, and any person violating these policies may be subject to disciplinary action. Violations are considered a serious offense, and disciplinary action may include referral for treatment, disciplinary suspension, dismissal, and/or referral for prosecution. Such violations of the standards of conduct will be dealt with on a case-by-case basis, with imposition of discipline appropriate to the severity of the violation.

This policy outlines the procedures by which an individual may seek confidential assistance, either *mandatory or voluntary* from the counseling office.

Individuals from the campus community identified for mandatory referrals shall be those who

demonstrate a pattern of poor academic performance (such as absenteeism and tardiness), impaired performance in the classroom and/or at the clinical field placement, or other acts that violate the College policy as deemed by the Vice President of Academic Affairs. Maria College has adopted the following mandatory procedures:

- An administrator or faculty member will 1) document observation of impaired student and 2) confront the student and coordinate his/her referral with the Counseling Office.
- A student who receives a mandatory referral must sign a written release form stating the terms of assessment, treatment and completion of a substance abuse program. A student who refuses to comply with the contract requirement may be subject to further disciplinary action up to and including dismissal from the college. Responsibility for any/all costs of evaluation, treatment or aftercare will be borne by the student.
- Due to the nature of the disease of chemical dependency and the course of treatment needed, counseling services involving substance abuse violations at Maria College are limited to assessment and referral for treatment.

### ***Effects Of Drinking Too Much At One Time May Include:***

#### *Physical Effects :*

- Increased heart rate and skin temperature, loss of muscle control leading to slurred speech, poor coordination, etc.
- Fatigue, nausea, headache, etc.

#### *Mental Effects:*

- impaired judgment (of space, time, etc.); impaired thinking and reasoning processes; poor concentration
- Loss of inhibitions: exaggerated feelings of anger, fear, anxiety, etc.

Frequent drinking to intoxication over an extended period can have serious consequences. For example:

- Alcoholism
- Damage to brain cells
- Malnutrition (if the drinker doesn't eat a balanced diet)
- Increased risk of cirrhosis, ulcers, heart disease, heart attack and cancers of liver, mouth, throat and stomach
- Degeneration of muscle and bone, blackouts, memory loss, hallucinations, poor concentration, personality disorders, and increased tension, anger, isolation
- "DTs" (delirium tremors) - shaking, hallucinations, etc.--due to withdrawal from alcohol

#### *Alcohol Penalties:*

1. Unlawfully Dealing with a Child: It is unlawful to give or sell alcohol (or cause it to be given or sold) to a person under the age of 21. This is a Class B misdemeanor. The penalty could be up to three months imprisonment and a \$500 fine.
2. DWI: Driving While Intoxicated (by drugs or alcohol) is a misdemeanor punishable by up to a year imprisonment and up to a \$500 fine.

3. DWAI: Driving While Ability Impaired by Alcohol is a violation punishable by up to 15 days imprisonment and up to a \$350 fine.
4. Liability of One Serving a Person under Age 21: Anyone who furnishes or assists a person under 21 years of age in procuring alcoholic beverages is liable for any damages caused by that underage person while under the influence.
5. DRAM Shop Liability: Any person who sells alcoholic beverages or unlawfully assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.

Appendixes A and B provides information on the health risks associated with the use of illicit drugs, a listing of drugs, and the federal trafficking penalties.

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

### **Statement of Purpose**

Maria College is committed to promoting a learning and working environment where sexual misconduct, which includes sexual violence, sexual harassment and other gender-based offenses is not tolerated. Accordingly, Maria College is committed to:

- defining conduct that constitutes sexual misconduct;
- providing clear guidelines for all members of our campus and visitors on how to report incidents of sexual misconduct;
- promptly responding to and investigating allegations of sexual misconduct, including taking steps to eliminate a hostile environment if one has been created and prevent the recurrence of future incidents of sexual misconduct;
- providing ongoing assistance and support to members of our campus who file complaints of sexual misconduct; and
- providing awareness and prevention information on sexual misconduct, including disseminating our policies, implementing training and educational programs for all College constituents.

This policy:

- outlines violations involving sexual and gender-based misconduct on campus, off campus, or while participating in study abroad or internships,
- identifies the rights, options, and resources of Complainants and Respondents in reported cases of sexual and gender-based misconduct, and
- describes actions individuals may take if they experience an incident of sexual and gender-based misconduct, or are accused of sexual and gender-based misconduct.

This policy prohibits sexual violence, sexual harassment, and other gender-based offenses in all College programs and activities. Conduct prohibited by this policy also may violate laws enforced through the criminal justice system. Individuals may decide to use this policy and the criminal justice system, simultaneously, to address covered conduct. Maria College proceedings that involve alleged violations of this policy will be conducted through a prompt and equitable process that provides adequate notice and a meaningful opportunity for all parties to be heard.

### **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”).

### **Officer and Title IX Coordinator**

The Human Resources Director serves as the Civil Rights Compliance Officer (“CRC Officer”) and as the College’s Title IX Coordinator. 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 and this policy. The CRC Officer can be reached at 700 New Scotland Avenue, Albany, NY or by phone at (518) 861-2598 or by email at: [CivilRightsCompliance@mariacollege.edu](mailto:CivilRightsCompliance@mariacollege.edu).

### **Definitions and Examples of Conduct Prohibited Under this Policy**

Prohibited conduct includes all forms of sexual misconduct, as well as acts of dating violence, domestic violence, and stalking.

**Reporting Individual:** “Reporting Individual” shall encompass the terms Victim, Survivor, Complainant, Claimant, Witness with Victim Status, and any other term used to reference an individual who brings forth a report of a sexual misconduct violation. A Reporting Individual is usually an individual filing a complaint of a violation of this policy. In some cases (e.g., cases in which a person involved in an incident of alleged sexual and/or gender-based misconduct does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated), Maria College may serve as the Reporting Individual. In these cases, the College may extend the full rights of the Reporting Individual as defined in this policy to affected parties as deemed appropriate by the Title IX Coordinator or designee.

**Respondent:** A “Respondent” is a person accused of a violation under this policy who has entered the College’s conduct process.

**Sexual Misconduct:** Sexual misconduct is used to describe unwanted or unwelcome conduct of a sexual nature that is committed without affirmative consent, including sexual harassment, and sexual violence. Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct may include the following:

**Sexual harassment:** Sexual harassment is any unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment occurs when any of the following conditions are present:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a college program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, e.g. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic,



residential, or social environment under both the subjective perspective of the person who experiences such conduct and objective standard of a reasonable person's perception of such conduct.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to establish the existence of a hostile environment, particularly if the harassment is physical. Conduct which is pervasive or persistent, even if not severe, may also create a hostile environment.

- Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements.
- Unwanted sexual advances.

Verbal conduct:

- Making or using derogatory comments, epithets, slurs or humor.
- Intentionally using incorrect pronouns or an incorrect name when a person has clearly stated their preferred name and pronouns.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.
- Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes.

Visual conduct:

- Leering, making sexual gestures, displaying of suggestive or demeaning objects or pictures, cartoon or posters in a public space or forum.
- Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading images. This example should not be understood to constrain academic freedom in teaching, research, or creative activity, or to limit intellectual and or expressive rights.
- Letters, notes or electronic communications containing comments, words, or images described above.

Quid pro quo conduct:

- Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists.
- Offering educational or employment benefits in exchange for sexual favors.
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose.
- Making or threatening reprisals after a negative response to sexual advances.

***Sexual Violence:*** Physical acts perpetrated without consent or when a person is incapable of giving

consent. A number of acts fall into the category of sexual violence including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

***Affirmative Consent:*** 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. Here are some important points to keep in mind with respect to affirmative consent:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

***Dating Violence:*** Dating violence is defined as violence committed by a person-

- who has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship
  - the type of the relationship
  - the frequency of the interaction between the persons involved in the relationship

***Domestic Violence:*** Domestic violence is defined as felony or misdemeanor crimes of violence perpetrated by:

- a current or former spouse or intimate partner of the alleged victim,
- a person with whom the alleged victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner,
- a person similarly situated as a spouse to the alleged victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- any other person against an alleged adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

***Stalking:*** Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to-

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress
  - course of conduct means two or more acts, including but not limited to, acts in which the stalker 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
- substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Students' Bill of Rights**

Maria College is committed to maintaining a community environment that fosters respect for the dignity and worth of each individual. The dignity of the individual should never be violated in any way, and the College community views with seriousness offenses against any person. Maria College is committed to providing options, support and assistance to victims/survivors of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking so that they can continue to participate in college-wide and campus programs, activities, and employment.

Maria College is committed to addressing reports of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking in a prompt, fair, equitable, and impartial manner. All victims/survivors of these crimes and violations have the following rights regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

Victims/Survivors/Reporters have the right to:

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

## Options for Disclosing

Maria College wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual misconduct, dating violence, domestic violence or stalking to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes an act of sexual misconduct, dating violence, domestic violence or stalking. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this section is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

### *Confidential Resources*

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency.

#### ***At Maria College, the following is the list of Confidential Resources:***

Kim Noakes, Disability Services Coordinator/Mental Health Counselor

Frank E. O'Brien, Jr. Student Support Center, Mercy Hall - (518) 861-2508 - [knoakes@mariacollege.edu](mailto:knoakes@mariacollege.edu)

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

- Sexual Assault and Crime Victims Assistance Program 24-hour hotline: (518) 271-3257
- Equinox Inc. Domestic Violence Services crisis hotline: 518-432-7865 (main number: 518-434-6135).
- In Our Own Voices – LGBT Domestic Violence Support Line: 518-432- 4341.
- New York State Coalition Against Sexual Assault: <http://nyscasa.org/>
- Office for the Prevention of Domestic Violence: <http://www.opdv.ny.gov/help/index.html>
- LegalMomentum: <https://www.legalmomentum.org/>
- New York State Coalition Against Domestic Violence: <http://www.nyscadv.org/>;
- GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
- RAINN: <https://www.rainn.org/get-help>.
- Safe Horizons: <http://www.safehorizon.org/>.

(Note that the above hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting Individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### ***Non-Confidential Resources***

The following college officials can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are **private** and **not**

**confidential** resources and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify Reporting Individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- Title IX Coordinator; 700 New Scotland Avenue, Albany, NY (518) 861- 2598 - [TitleIX@mariacollege.edu](mailto:TitleIX@mariacollege.edu)
- Title IX Deputy Coordinator: 700 New Scotland Avenue Albany, NY 12208 (518) 861-2571 or (518) 861-2505 - [TitleIXDeputy@mariacollege.edu](mailto:TitleIXDeputy@mariacollege.edu)
- Vice President of Mission, Planning and Student Affairs, Dean of Students: 700 New Scotland Avenue Albany, NY 12208 (518) 861-2571
- Director of Human Resources: 700 New Scotland Avenue, Albany, NY 12208 (518) 861-2598
- Security, 700 New Scotland Avenue, Albany, NY 12208 (518) 376-0690

In addition to these disclosure/reporting options, Reporting Individuals also have the right:

- To file a criminal complaint with local law enforcement and/or state police:
  - Albany Police Department Headquarters: 165 Henry Johnson Blvd., Albany NY 12210 - (518) 438-4000
  - State police 24-hour hotline to report sexual assault on a NY college campus: 1- 844-845-7269.
- To file an anonymous report of sexual misconduct by completing and submitting an Incident Report. The report is located in various offices on campus or can be found online at <https://www.mariacollege.edu/Title-IX-Policy>. Individuals also may anonymously report sexual misconduct by calling this hotline: (518) 514-7050. The College has a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed. If a Complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator will consider how to proceed, taking into account the Complainant's wishes, the College's commitment to provide a safe environment, and the Respondent's right to have specific notice of the allegations if the College were to take action that affects the Respondent.
- To receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court.
- To file a report of sexual misconduct, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with this policy and the Reporting Individual's identity shall remain private at all times if said Reporting Individual wishes to maintain privacy. If a Reporting Individual wishes to keep his/her identity anonymous, he or she may call the Student Counselor to anonymously discuss the situation and available options.

When the Respondent is an employee, a Reporting Individual may also report the incident to the Office of Human Resources or may request that the above referenced confidential or non-confidential employees assist in reporting to Human Resources. When the Respondent is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Reporting Individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

- Human Resources Office: 700 New Scotland Avenue, Albany, NY 12208; (518) 861-2598;

**Every college shall ensure that, at a minimum, at the first instance of disclosure by a Reporting Individual to a college representative, the following information shall be presented to the Reporting Individual: “You have the right to make a report to Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.**

*Privacy versus Confidentiality:*

Even Maria College offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Maria College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

*Requesting Confidentiality: How Maria Will Weigh the Request and Respond:*

If you disclose an incident to a Maria College employee who is responsible for responding to or reporting sexual misconduct, but wish to maintain confidentiality or do not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you. You may withdraw your complaint or involvement from the College process at any time.

We will assist you with all reasonable and available accommodations regardless of your reporting choices. Reporting Individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: Title IX Coordinator : 700 New Scotland Avenue, Human Resources Office. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless Maria’s failure to act does not adequately mitigate the risk of harm to you or other members of the Maria community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual misconduct, but wish to maintain confidentiality, Maria College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking, or the increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the Reporting Individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the College determines that it must move forward with an investigation, the Reporting Individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.

#### *Public Awareness/Advocacy Events:*

If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation. Maria may use the information you provide to inform the need for additional education and prevention efforts.

#### *Institutional Crime Reporting*

Reports of certain crimes occurring in certain geographic locations will be included in the College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the Reporting Individual or victim/survivor.

Maria is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the Reporting Individual or victim/survivor). A Reporting Individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents’ prior year federal income tax return. Generally, Maria will not share information about a report of sexual misconduct, dating violence, domestic violence or stalking with parents without the permission of the Reporting Individual.

### **Response to a report of sexual misconduct, dating violence, domestic violence or stalking**

Individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

#### *Resources*

- To obtain effective intervention services.
  - Counseling and Accessibility Services Coordinator, Frank E. O’Brien, Jr. Student Support Center, Mercy Hall - (518) 861-2508 [knoakes@mariacollege.edu](mailto:knoakes@mariacollege.edu). There is no charge for these services.
  - 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 24-hour hotline: (518) 271-3257
- Local hospital information can be found here:
  - St. Peter’s Hospital: <http://www.sphcs.org/>
  - Albany Memorial Hospital: [https://www.nehealth.com/medical\\_care/amh/](https://www.nehealth.com/medical_care/amh/)
  - Albany Medical Center: <http://www.amc.edu/>
- Sexual contact can transmit Sexually Transmitted Infections (STI). Testing for STIs is available. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital which will include testing for STIs. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <http://www.ovs.ny.gov/helpforcrimevictims.html>. or by calling 1-800-247-8035.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

*Protection and Accommodations:*

Upon receipt of a report, the Title IX Coordinator may provide reasonable and appropriate interim measures designed to: preserve the Complainant’s educational experience and the safety of all parties and the broader campus community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. The Title IX Coordinator or designee may provide interim measures regardless of whether or not the Complainant seeks formal disciplinary action. The Title IX Coordinator or designee will work collaboratively with the Vice President of Mission, Planning and Student Affairs, and Vice President for Academic Affairs in providing interim measures. Examples of such measures may include but be limited to:

- *No Contact Order:* The College’s issuance of a “no contact order” whereby the Accused’s or Respondent’s continued intentional contact with the Reporting Individual is a violation of institution policy subject to additional conduct charges. Under such an order, if the Accused and a Reporting Individual observe each other in a public place, it is the responsibility of the Accused to leave the area immediately and without contacting the Reporting Individual.

When such an order is in effect, both the Accused and Reporting Individual will be afforded a prompt review, reasonable under the circumstances, of the need for the terms of a no contact order. Each shall have the opportunity to submit evidence in support of the request.

- *Order of Protection:* Assistance from the College’s security officers, if applicable, or other officials in obtaining an order of protection, or equivalent protective or restraining order.

To be provided a copy of the order of protection when such an order is received by the College, and have the opportunity to speak with the College’s Title IX Coordinator or Deputy who can explain the order and answer any questions.

To be provided an explanation of the consequences of violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

- Assistance from *the* College to contact and assist local law enforcement in effecting an arrest for violating such an order.

*Interim Suspension:* When the Accused is a student determined to present a continuing threat to the health and safety of the community, to subject the Accused to interim suspension pending the outcome of the Sexual Misconduct process.

When the Accused is not a student but is a member of the Maria College community and presents a continuing threat to the health and safety of the community, to subject the Accused to either a paid or unpaid leave of absence according to the College’s employment policies.

Additional interim measures or reasonable accommodations may include, but are not limited to:

- Access to counseling services and assistance in arranging an initial appointment.
- Rescheduling of exams and assignments.
- Change in class schedule.
- Change in work schedule or job assignment.
- Change in housing.



- Arranging for medical services.
- Providing the Complainant assistance with filing a criminal complaint and seeking an order of protection.
- Other remedies that can be used to achieve the goals of this policy, i.e. interim suspension or campus restriction pending the outcome of the investigation / process.

*Conduct Process:*

To request that student or employee conduct charges be filed against the Respondent. Conduct proceedings are governed by the procedures set below as well as federal and New York State law.

- Throughout conduct proceedings, the Reporting Individual and Respondent will have:
  - The same opportunity to be accompanied by a non-participating advisor of their choice who may only assist and advise the parties throughout the conduct process and any related hearings or meetings. The advisor may serve only in an advisory role and may not directly represent either party.
  - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual misconduct, domestic violence, dating violence, and stalking.
  - The right to an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and is not conducted by individuals with a conflict of interest.
  - The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
  - The right to have a conduct process run concurrently with a criminal investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
  - The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
  - The right to present evidence and testimony at a hearing, where appropriate.
  - The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
  - The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual misconduct may be admissible in the disciplinary stage that determines sanction.
  - The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
  - The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  - The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
  - The right to written or electronic notice about the sanction(s) that may be imposed on the Respondent based upon the outcome of the conduct proceeding.

Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

### **Initial Assessment**

Upon receipt of a report of alleged sexual misconduct, the College's Title IX Coordinator, Deputy Coordinator, or designee(s) will conduct an initial assessment within 72 hours. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual misconduct. In the majority of cases, the initial assessment will be limited to two investigators who have received training on this policy and procedures for conducting Title IX investigations.

At the conclusion of the initial assessment, the Title IX Officers or designees will promptly write a summary report of their findings, and recommendations for resolution, including any sanctions which may be warranted. The Title IX Coordinator and Deputy Coordinator will review and discuss the written report, and determine the appropriate course of action. If the Title IX Officers disagree, the President of the College will review the Title IX Officers' report and determine the appropriate course of action.

### ***Informal Resolution***

If an informal resolution is determined to be the appropriate course of action, the Title IX Coordinator or Deputy Coordinator will meet with the Respondent to review the results of the initial investigation. Informal resolution may include negotiation, shuttle diplomacy, mediation or restorative justice. Negotiation, shuttle diplomacy and mediation will not be used in cases that involve sexual misconduct or any other form of violence.

If the Respondent confirms the allegations and acknowledges responsibility for his/her actions, the Title IX Coordinator and/or Deputy Coordinator, in consultation with the Complainant and other designated College officials, will determine the most appropriate course of action. Within 3 days of making that determination, the Title IX Coordinator will notify the Complainant and Respondent of the course of action to be taken.

At any point in the informal resolution process, the Complainant, Respondent, or Title IX Coordinator or Deputy Coordinator may end the process and start the formal resolution process.

### ***Notification***

At the conclusion of the initial investigation and/or informal resolution, the Title IX Coordinator or designee will issue the Respondent a notice of the complaint describing the date, time location, allegations, the specific policy violation(s) alleged, and any imposed sanctions. Once presented with the notice, the Respondent has five (5) business days to formally, in writing, accept or deny responsibility for the alleged behavior. Failure to respond by the deadline will be treated as acceptance of responsibility and any imposed sanctions.

If a determined course of action is not agreed upon through an informal resolution process, the formal resolution process is initiated.

## **Formal Resolution Investigation**

Formal resolution begins with an investigation. The investigation will be conducted by the investigators that conducted the initial inquiry, and the investigation generally will be completed within thirty (30) calendar days, absent any extenuating circumstances. In certain circumstances, investigation time frames may need to be extended (e.g., in June, July and August, when some faculty members are not available; when there are a significant number of witnesses to interview; when a complaint includes multiple allegations). However, every effort will be made to resolve cases as expeditiously as possible.

The Title IX Coordinator, or designee, will periodically notify the complainant and respondent of the status of the formal resolution investigation.

Considering the best interest of the College community, the College may proceed with an investigation without the consent from the potential Complainant, but will, to the extent practicable under the circumstances, maintain the privacy and anonymity of the potential Complainant.

The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to determine responsibility and impose disciplinary sanctions if appropriate. The preponderance of evidence or “more likely than not” standard of review will be used during the investigatory process.

During the formal resolution investigation, the Title IX Coordinator may continue to implement any appropriate interim measures.

### ***Investigation Report***

Within five (5) days of completing the investigation, absent extenuating circumstances, the Title IX Coordinator, Deputy Coordinator or designee will prepare a written report and submit it to the Title IX Office. The report, at a minimum, will include a summary of:

1. The complaint;
2. The Respondent’s response to the complaint;
3. The statements and evidence obtained during the investigation; and
4. Prior settlements or substantiated complaints against the Respondent.

Respondents have the right to exclude their own prior sexual history with persons other than the other party in the case, and/or their own mental health diagnosis and/or treatment from admittance in the process to determine responsibility. However, in determining sanctions, if any, the Title IX Officers may consider any past findings of the respondent’s domestic violence, dating violence, stalking, or sexual assault.

The Title IX Officers determine the Respondent’s responsibility, if any, for the alleged violation based on a “preponderance of the evidence” standard. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that “more likely than not” a violation has occurred and the person charged is responsible for the violation.

The Title IX Officers normally will render a finding based on unanimous agreement. In instances where unanimity is not achieved, the President of the College will provide a deciding vote.

Sanctions determined and imposed, if any, may include but not be limited to any of those specified below under the “Disciplinary Actions” sections for students and employees, respectively.

### ***Formal Investigation Outcome Notifications***

The Title IX Coordinator will notify the Complainant and Respondent, simultaneously and in writing, of the decision. Any sanction(s) determined in its decision will be considered final six (6) business days after the date this written notice is sent to the parties, unless the President of the College receives a formal, written appeal from the Complainant or Respondent. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Following the notification of the decision from the Title IX Officers, the Complainant and/or Respondent may provide an additional written response to be included in the case materials.

### **Disciplinary Actions (Students)**

Sanctions administered to student respondents may include but not limited to:

- A. Dismissal of any action against the student and clearing of his/her name.
- B. Verbal Warning: A discussion about the incident with the student, with no written follow-up or notification.
- C. Written Warning: A written notice to the student notifying him/her that his/her conduct is in violation of college regulations and the continuation of said conduct for a stated period of time may be cause for more serious disciplinary action.
- D. Community Service: A stated number of hours of donated service commensurate to the founded violation.
- E. Revocation of college admission.
- F. Mandated behavioral or substance abuse assessment.
- G. Disciplinary Probation: A stated trial period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the College Community.
- H. Disciplinary Suspension: A stated period of time, not to exceed one academic year, when the student is excluded from classes or activities, following which:
  - 1. The student must follow specifically-outlined procedures for readmission to the College or activities; and
  - 2. Upon return to the College, the student will be on disciplinary probation for the rest of his/her enrollment at the College, during which time any violation of the student code of conduct may result in disciplinary dismissal from the College.
- I. Disciplinary Dismissal from the College: Permanent termination of status as a student of the College.

### **Disciplinary Actions (Employees)**

Sanctions administered to employee respondents may include but not limited to:

- A. Dismissal of any action against the employee and clearing of his/her name.
- B. Verbal Warning: A discussion about the incident with the employee, with no written follow-up or notification.
- C. Written Warning: A written notice to the employee notifying him/her that his/her conduct is in violation of College regulations and the continuation of said conduct for a stated period of time may be cause for more serious disciplinary action.
- D. Mandated participation in counseling or individualized training.
- E. Prohibition from participating in grading, honors, and recommendations.
- F. Re-review of reappointment and/or promotion decisions, or other performance evaluations.

G. Restriction of the employee's access to College resources, such as salary increase for a specific period of time.

H. Suspension or dismissal from employment at the College.

### **Request for Appeal**

If the Complainant or Respondent disagrees with the outcome of the formal investigation resolution, he/she may submit a formal written appeal to the Office of the President. Appeals of the findings of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, and could not have been produced by a reasonable effort. Complainants and Respondents may also appeal sanctions based on grounds that the sanctions imposed are disproportionate to the violation of policy that was found to have occurred. In addition to the written appeal, the Complainant or Respondent may submit an additional statement regarding the case.

### **Appeals Process**

If a written appeal is received within the allowable time frame, the President will appoint and convene an Appeals Panel within five (5) business days of receipt of the appeal. Once the Appeals Panel is convened it is allotted five (5) to ten (10) business days to review the case and sanctions and make a determination. The appeals panel's decision is final.

The Appeals Panel is selected by the President and will consist of the following:

1. One Faculty member, recommended by the Academic Affairs Committee.
2. One Staff member, recommended by the Director of Human Resources.
3. Chairperson, appointed by the President from the President's Senior Leadership Team.
4. If there is a conflict of interest, the President will appoint an additional panel member from the campus community.

The Appeals Panel will review the case and make a recommendation which is final. A majority vote will be necessary in deciding all cases. The decision will be submitted to the President of the College and Title IX Coordinator, The Title IX Coordinator, or designee, will send written notice simultaneously to the Complainant and Respondent of the findings of the Appeals Board within five (5) business days of receipt of the findings.

### **Resolution Through Other Means**

If Complainants and Respondents are not satisfied with the attempts to resolve the complaint of sexual misconduct, they may seek resolution through other sources, including the New York State Division of Human Rights, the Equal Employment Opportunity Commission or Office of Civil Rights of the United States Department of Education (1-800-421-3481).

### **Prohibition Against Retaliation**

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation exists when action is taken against a Reporting Individual or participant in the complaint process that (i) adversely affects the individual's opportunity to benefit from the College's programs or activities, and (ii) is motivated in whole or in part by the individual's participation in the complaint process. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action.

## 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 Counseling and Accessibility Services Coordinator 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](mailto:info@ithappenedtoalexa.org)  
Website: [www.ithappenedtoalexa.org](http://www.ithappenedtoalexa.org)

## **COUNSELING SERVICES**

Students may meet with the Counselor and Accessibility Services Coordinator for assistance with addressing personal and/or academic concerns. Counseling offers the individual the opportunity to gain personal insight and develop new ways of coping with life's difficulties. Referrals to outside mental health agencies may be made when appropriate or at the student's request. All information is kept strictly confidential and does not become part of the student's college record.

The Counselor and Accessibility Services Coordinator is the only confidential resource on campus who is not required to report any sexual misconduct or suspected misconduct to any other individual, without the express written permission of the person(s) making the report or as otherwise permitted by law.

Contact Information:

Kim Noakes, MHC

Counselor and Accessibility Services

Coordinator

Frank E. O'Brien Jr., Student Support Center

(518) 861-2508

## 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](http://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 Vice President of Finance and Administration 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<br>Campus<br>Property | Non<br>Campus<br>Property | Public<br>Property |
|--|------|--------------------------|---------------------------|--------------------|
| <b>Murder/ Non-Negligent Manslaughter</b>                              | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Negligent Manslaughter</b>  | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Sex Offenses, Forcible</b>  | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Sex Offenses, Non-Forcible</b>                                      | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Robbery</b>   | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Aggravated Assault</b>  | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Burglary</b>  | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Motor Vehicle Theft</b>   | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Domestic Violence</b>   | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Dating Violence</b>   | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Stalking Incidents</b>  | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Arrests:<br/>Weapons: Carrying, Possessing, etc.</b>                | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Disciplinary Referrals:<br/>Weapons: Carrying, Possessing, etc.</b> | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Arrests:<br/>Drug Abuse Violations</b>                              | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Disciplinary Referrals:<br/>Drug Abuse Violations</b>               | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Arrests:<br/>Liquor Law Violations</b>                              | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Disciplinary Referrals:<br/>Liquor Law Violations</b>               | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |
| <b>Larceny</b>   | 2014 | 0                        | 0                         | 0                  |
|  | 2015 | 0                        | 0                         | 0                  |
|  | 2016 | 0                        | 0                         | 0                  |

Hate Crimes: 2014, 2015, 2016: 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
- 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:<br>Category and<br>Name               | Examples of <i>Commercial</i><br>and Street Names   | <u>DEA Schedule*/<br/>How<br/>Administered**</u> | <i>Intoxication Effects/Potential Health Consequences</i>  |
|--|---|--|--|
| <b><i>Cannabinoids</i></b>                       |   |  | <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                              |  |
| <b><i>Depressants</i></b>                        |   |  | <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><br><br><i>Also, for barbiturates—sedation, drowsiness/depression, unusual excitement, fever, irritability, poor judgment, slurred speech, dizziness, life-threatening withdrawal.</i><br><br><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<br>(other than<br>flunitrazepam) | <i>Ativan, Halcion, Librium, Valium, Xanax</i> ; candy, downers, sleeping pills, tranks                             | IV/swallowed, injected                           |  |

|   |   |   |  |
|---|---|---|--|
| <a href="#"><u>flunitrazepam***</u></a> | <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 |
| <a href="#"><u>GHB***</u></a>           | <i>gamma-hydroxybutyrate</i> ; G, Georgia home boy, grievous bodily harm, liquid ecstasy      | I/swallowed                                 | <i>for GHB</i> —drowsiness, nausea/vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death                    |
| methaqualone                            | <i>Quaalude, Sopor, Parest</i> ; ludes, mandrex, quad, quay                                   | I/injected, swallowed                       | <i>for methaqualone</i> — <i>euphoria</i> /depression, poor reflexes, slurred speech, coma   |
| <b><i>Dissociative Anesthetics</i></b>  |   |   | <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</i> —at high doses, delirium, depression, respiratory depression and arrest  |
| PCP and analogs                         | <i>phencyclidine</i> ; angel dust, boat, hog, love boat, peace pill                           | I, II/injected, swallowed, smoked           | <i>for PCP and analogs</i> —possible decrease in blood pressure and heart rate, panic, aggression, violence/loss of appetite, depression |
| <b><i>Hallucinogens</i></b>             |   |   | <i>altered states of perception and feeling; nausea; persisting perception disorder (flashbacks)</i>                                     |
| LSD                                     | <i>lysergic acid diethylamide</i> ; acid, blotter, boomers, cubes, microdot, yellow sunshines | I/swallowed, absorbed through mouth tissues | <i>Also, for LSD and mescaline</i> —increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness,             |

|  |   |                                     |   |
|--|---|-------------------------------------|---|
| mescaline                                      | buttons, cactus, mesc, peyote   | I/swallowed, smoked                 | <i>numbness, weakness, tremors</i><br><br><i>for LSD —persistent mental disorders</i>   |
| psilocybin                                     | magic mushroom, purple passion, shrooms   | I/swallowed                         | <i>for psilocybin—nervousness, paranoia</i>   |
| <b><i>Opioids and Morphine Derivatives</i></b> |   |                                     | <i>pain relief, euphoria, drowsiness/nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death</i> |
| codeine  | <i>Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine; Captain Cody, Cody, schoolboy; (with glutethimide) doors &amp; fours, loads, pancakes and syrup</i> | II, III, IV/injected, swallowed     | <i>Also, for codeine—less analgesia, sedation, and respiratory depression than morphine</i><br><br><i>for heroin—staggering gait</i>                                      |
| 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                            |   |
| <b><i>Stimulants</i></b>              |   |   |   |
| amphetamine                           | <i>Biphedamine, Dexedrine</i> ; bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers | II/injected, swallowed, smoked, snorted | <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> |
| cocaine                               | <i>Cocaine hydrochloride</i> ; blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot                    | II/injected, smoked, snorted            | <i>Also, for amphetamine—rapid breathing/ tremor, loss of coordination; irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis</i>     |
| MDMA (methylenedioxy-methamphetamine) | Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC  | I/swallowed                             | <i>for cocaine—increased temperature/chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches,</i>   |

|  |  |  |  |
|--|--|--|--|
| methamphetamine  | <i>Desoxyn</i> ; chalk, crank, crystal, fire, glass, go fast, ice, meth, speed   | II/injected, swallowed, smoked, snorted                        | malnutrition, panic attacks<br><br><i>for MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings</i> /impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity  |
| 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                                | <i>for methamphetamine—aggression, violence, psychotic behavior</i> /memory loss, cardiac and neurological damage; impaired memory and learning, tolerance, addiction  |
| nicotine   | cigarettes, cigars, smokeless tobacco, snuff, spit tobacco, bidis, chew          | not scheduled/smoked, snorted, taken in snuff and spit tobacco | <i>for nicotine</i> —additional effects attributable to tobacco exposure, adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, addiction   |
| <b><i>Other Compounds</i></b>                              |  |  |  |
| 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                    | <b>First Offense:</b><br>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<br><br><b>Second Offense:</b><br>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                          | <b>First Offense:</b><br>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.<br><br><b>Second Offense:</b> 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.<br><br><b>2 or More Prior Offenses:</b> 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  |  |   |
| <b>PENALTIES</b>  |   |  |  |   |
| Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) | Any amount                                | <b>First Offense:</b> Not more that 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                              | <b>Second Offense:</b> 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                                | <b>First Offense:</b> 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                             | <b>Second Offense:</b> 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 | <p><b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p> |
| All Schedule V drugs        | Any amount       | <p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>        |

### Federal Trafficking Penalties - Marijuana

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

|             |              |  |  |
|-------------|--------------|--|--|
| Hashish Oil | 1 kg or less |  |  |
|-------------|--------------|--|--|