



January 1, 2019 – December 30, 2019

ANNUAL SECURITY REPORT

Maria College

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

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

U.S. DEPARTMENT OF EDUCATION

www.ope.ed.gov/security

Prepared by Maria College
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MyMaria

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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:

Manager of Human Resources

Maria College

700 New Scotland Avenue

Albany, NY 12208

(518) 861-2580

CivilRightsCompliance@mariacollege.edu

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

New York Office

Office for Civil Rights

U.S. Department of Education

32 Old Slip, 26th Floor

New York, NY 10005-2500

Telephone: 646.428.3900

Fax: 646.428.3843; TDD: 800.877.8339

E-mail: OCR.NewYork@ed.gov

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>

IMPORTANT PHONE NUMBERS

Security	(518) 376-0690
Vice President of Finance and Administration (Joel Nudi)	(518) 861-3115
Senior Vice President and Dean of Students (Victoria Battell)	(518) 861-2571
Campus Safety Systems Coordinator (Douglas Rader)	(518-861-2504)
Student Counselor (Kim Noakes)	(518) 861-2508
Title IX Coordinator (Andrew Ledoux)	(518) 861-2505
Life Threatening Emergency	911

ANNUAL SECURITY REPORT DISCLOSURE

The offices of the Registrar, Title IX Coordinator, Dean and Vice President of Academic Affairs, Senior Vice President, Chief of Mission and Advancement Officer & Dean of Students, Manager 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. This report is prepared in cooperation with the local law enforcement agencies in Albany. Each entity provides updated information on their educational efforts and programs to comply with the Act.

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

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

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

CAMPUS SECURITY

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

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

To reach Security dial (518) 376-0690.

Maria College security maintains a close working relationship with the Albany Police Department (APD). Meetings are held between the leaders of these agencies on both a formal and informal basis. The 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
Senior Vice President and Dean of Students
Vice President of Academic Affairs
Manager of Human Resources
Associate Vice President for Student Affairs and
Associate Dean of Students
Campus Security Officers
Title IX Coordinator & Deputy Coordinators
Director of Counseling and Accessibility Services

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.

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, Chief Mission and Advancement Officer and 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
Campus Safety Systems Coordinator

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

In addition to possible use of the ENS system, the 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 2019.

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. New employee will be provided a campus tour showing the nearest exits in case of emergency and other campus safety measures.

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

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

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

Facilities Surveys: Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted each year by the 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. All students will be informed of the College's expectations of students under the Code of Conduct during new student orientation. Copies of the Student Handbook, including its Code of Conduct, can be found year-round on the College's website and at the Department of Student Affairs.

Violations of Code of Conduct

The following behaviors are considered specific violations of the Student Code of Conduct. Violations of the Student Code of Conduct can occur both on-campus and off-campus and may also include other unacceptable conduct not specifically listed below.

- Sexual misconduct
 - Including but not limited to rape; sexual assault; stalking; domestic violence; dating violence; sexual harassment; unwanted sexual contact; and other sexual violence.
- Academic misconduct
 - Including but not limited to plagiarism; cheating; forgery and/or alteration of institutional records; unauthorized use of electronic devices during testing; disruptive classroom behavior; and other forms of academic dishonesty.
- Abusive, threatening, and/or dangerous behavior
 - Including but not limited to verbal abuse; threatening behaviors or statements; conduct that endangers the health, safety, or welfare of any person; engaging in fighting and/or other violent behavior; bullying, harassment, and/or hazing; possession, use, storage, or sale of firearms and/or weapons on campus; unauthorized surveillance of any person; intentionally making a false report of an emergency; and other behaviors that would reasonably endanger, alarm, threaten, or harass any person.
- Misuse, theft, damage, defacement, and/or destruction of College property
 - Including but not limited to arson; tampering with fire safety equipment and/or devices; misuse and/or abuse of College computers, email communication systems, information technology networks, or other technology systems as delineated in the College's Computer Use Policy and other information technology policies; and other damaging conduct.
- Possession, use, storage, or sale of alcohol and/or drugs while on campus property or the premises of academic field sites and clinical placements, and/or while participating in academic field work, College-affiliated volunteer opportunities, events sponsored by or affiliated with the College, or other events at which an individual is serving in a student capacity or as a representative of the College
- Smoking, vaping, and/or the use, burning, or carrying of a lighted cigarette, cigar, pipe, e-cigarette, or any other matter or substances containing tobacco and/or nicotine while on College property
- Gambling on College property
- Non-cooperation or non-compliance with instructions, directives, or reasonable requests from the Dean of Students, campus security officers, other College officials, or law enforcement officers
- Non-cooperation or non-compliance with any part of the Student Code of Conduct disciplinary process, including adherence to interim measures and/or sanctions imposed under the Student

Code of Conduct disciplinary process

- Furnishing false information to any College official, faculty member, or office, and other acts of dishonesty
- Misuse, alteration, or forgery of any College document, record, or instrument of identification
- Unauthorized entry or use of College premises
- Unauthorized possession, use, or duplication of keys, access codes, or ID badges that grant access to College premises
- Breaching the peace of the College campus, community, operations, and/or events, including exposing others to conduct that is disorderly, harassing, annoying, uncivil, indecent, lewd, or otherwise inappropriate for members of an academic community, and/or inciting, coercing, or aiding others in doing so
- Bringing the name of the College into disrepute, including engaging in conduct that reflects poorly on the College and/or making false statements or false allegations about the College, College officials, or the College community
- Engaging in other conduct that reflects insufficient maturity to be a member of an academic community and/or negatively impacts the normal pursuit of academic, administrative, extracurricular, or personal activities when such conduct is recurring, progressive, escalating, or otherwise an ongoing or repeat disruption to College operations
- Other violations of College policies or sanctions and/or other violations of federal law or State law that reflect poorly on a student's judgment and character.

Reporting Violations of Code of Conduct

All students, faculty, and staff have the right to file a report with the College regarding a potential or actual violation of the Code of Conduct. Potential and actual violations of the Code of Conduct will be processed under the Disciplinary Procedures for Violations of Code of Conduct.

Students can file a report regarding a potential or actual violation of the Code of Conduct by filing an incident report with the Dean of Students (Sr. Victoria Battell) or, in the event of a sexual misconduct incident, with the Title IX Coordinator (Andrew Ledoux). A blank incident report form is provided in **Appendix I** of this Student Handbook or online on the MyMaria student portal. Hard copies of blank incident report forms are also available in the Office of the Dean of the College, Office of Human Resources, Department of Student Affairs, Office of the Title IX Coordinator, and with Campus Security. Hard copy incident reports can be submitted in-person to any of the locations listed above or to the Office of the Title IX Coordinator for matters related to sexual misconduct.

Students reporting instances of sexual misconduct—whether they are the victim, a friend, or a witness/bystander—can make confidential and/or anonymous reports if they prefer to do so. While the policies described in this Student Handbook pertain only to students who violate the College's Code of Conduct, in the event that sexual misconduct has been committed by a non-student (such as a faculty member, staff member, other member of the College community, non-member of the College community, or unknown person or stranger), students may still report the incident to the College and receive support and protection. In any instance of sexual misconduct, a student has the right to report the incident to the College, to campus security, to local law enforcement, to the State police, to any combination of those authorities, or to not report the incident at all. Detailed information regarding the College's sexual misconduct policy—including how to make a confidential and/or anonymous report, what a student's rights are under federal and New York State law, and how to access support services. Students can also speak privately with one of the College's Title IX Officers, Andrew Ledoux (Coordinator-Students and Employees), Jillian Mertzluft

(Deputy Coordinator- Students), or Rosalyn Vazquez (Deputy Coordinator- Employees).

Where a student's complaint does *not* pertain to a potential or actual violation of the Code of Conduct (such as a dispute over academic accommodations, a complaint against a professor regarding course grades, or other non-conduct-related academic or administrative dispute), the student will be informed that his/her complaint will not be processed under the Disciplinary Procedures for Violations of Code of Conduct; instead, the student's complaint will be processed under the Student Grievance Policy.

Disciplinary Procedures for Violations of Code of Conduct

Reports of potential and actual violations of the Code of Conduct, as listed and described above, will be processed as follows. All written notifications referenced below will be provided by College officials to students via the College's email system.

All accused students are entitled to a presumption of 'not responsible' (not guilty), and all processes will be conducted in a fair, impartial, thorough, and timely manner. At all times, the burden of proof is on the College to establish that the alleged violation of this policy was committed by the student in question. The standard of evidence required in both the Student Conduct Hearing and in the Appeal Hearing, if one is sought, is a preponderance of evidence. 'Preponderance of evidence' means that the relevant Hearing panel must decide in favor of the party that, as a whole, has the stronger evidence that the violation was or was not committed, however slight the edge over the other party's evidence may be. 'Preponderance of evidence' is sometimes described as 'more likely than not' or '51% probability.' The evidence should be sufficient to incline a fair and impartial mind to one side of the issue over the other, but it is not necessary for that mind to be completely free from all reasonable doubt. 'Preponderance of evidence' is a different and lesser standard of evidence than that used in criminal proceedings; rather, it is the standard of evidence often used in civil court proceedings. Please note that certain aspects of Maria College's disciplinary procedures are applicable only to incidents involving sexual misconduct. If you have any questions regarding these procedures, please contact the Dean of Students.

- All submitted incident reports will be reviewed by the Dean of Students (or his/her designee).
 - Students who have submitted a confidential and/or anonymous incident report in regard to an incident of sexual misconduct can rest assured that the Dean of Students is a member of the College's Title IX team and, accordingly, will maintain the student's privacy to the utmost extent.
- If appropriate, the Dean of Students (or a member of the Title IX team, if applicable) will conduct or direct an investigation into the incident reported.
 - Students who have reported an incident of sexual misconduct have the option of requesting that the College not conduct an investigation; however, under certain circumstances, the College may determine that an investigation is necessary to protect the health and safety of other students. When the College determines that an investigation is necessary, the student who submitted the incident report will be notified in writing.
 - Students who have anonymously submitted a report regarding an incident of sexual misconduct should be aware that their anonymity may inhibit the College's ability to conduct a full investigation of the incident and/or communicate with the student regarding actions taken.

- In very rare instances, such as when the conduct of a student constitutes a danger or threat to the personal safety of any individual or to College property or when the conduct of a student substantially interferes with essential tasks of the College, the Dean of Students may take summary action, including but not limited to summary suspension and/or other interim measures or interventions, against the student without first conducting an investigation. Summary action may be appropriate when, after being warned by College officials, faculty, or staff to discontinue the conduct in question, a student continues to engage in such conduct. After the imposition of summary action, the College will conduct an investigation and follow its disciplinary hearing process in order to determine whether to continue, modify, or terminate the summary action imposed.
- Any investigation conducted will be done so in a fair, impartial, thorough, and timely manner. If, upon investigation, it is determined that a student may have violated the Student Code of Conduct, the Dean of Students will file student conduct charges against the student and schedule a Student Conduct Hearing on the alleged violation, to be held at a campus location and date determined by the Dean of Students. The date selected by the Dean of Students will be timely in that it will provide an accused student a reasonable amount of time to prepare for the Student Conduct Hearing while also not constituting an unreasonable delay in resolving the charges. When an alleged violation involves more than one student, or when more than one violation is alleged to have been committed by a student, the Dean of Students may determine, in his/her discretion, to schedule separate Student Conduct Hearings.
- When the Dean of Students files student conduct charges against a student, the Dean of Students will promptly notify such student in writing of the specific violation in question, the date on which the violation allegedly occurred, possible consequences and/or sanctions against the student for such violation, information regarding how the student can dispute the violation alleged (including the date, time, and location of a Student Conduct Hearing at which the student will be entitled to present evidence), and what (if any) temporary measures will be imposed upon the student while the Student Conduct Hearing is in progress (e.g., temporary suspension). Where the alleged violation involves sexual misconduct, the written notice will also notify the student of his/her right to be accompanied at the Student Conduct Hearing by an advisor of his/her choice.
- The Student Conduct Hearing will be conducted in a fair, impartial, and thorough manner. The Student Conduct Hearing will be presided over by a panel of impartial individuals selected by the Dean of Students. The panel will hear all evidence presented on the alleged violation. During the Student Conduct Hearing, the accused student will have the opportunity to present evidence in his/her defense and to be accompanied by an advisor of his/her choice. Where the alleged violation involves sexual misconduct, the individual who reported the incident and/or was subjected to the alleged sexual misconduct may, if he/she desires, also have the opportunity to present evidence of the incident and to be accompanied by an advisor of his/her choice.
 - Important note regarding advisors: Students are welcome, but not obligated, to be accompanied by an advisor during disciplinary hearings. Students are entitled to have their advisor sit with them and may confer with their advisor before, during, and after proceedings—however, advisors are not allowed to directly participate at any point during the proceedings. Any arguments or evidence presented during a hearing must be presented by the student himself/herself. In the event that a student cannot attend a proceeding or a portion thereof, the advisor is not allowed to attend or participate on the student's behalf. For proceedings involving incidents of sexual misconduct, students may select any individual as their advisor. For all other proceedings, students

are limited to selecting their advisor from among individuals employed by the College who are not otherwise already involved in the proceeding.

- After all evidence has been presented in the Student Conduct Hearing, the panel will render a decision as to whether the accused student is ‘responsible’ (guilty) or ‘not responsible’ (not guilty) for the violation and will impose consequences and/or sanctions on an accused student found ‘responsible,’ if appropriate. If the accused student fails to or declines to attend the Student Conduct Hearing, the Student Conduct Hearing will be held without the accused student present and the panel may reach a decision of ‘responsible’ and impose consequences and/or sanctions even in the accused student’s absence. A full and fair record of the Student Conduct Hearing will be preserved and maintained by the College for five years.
- The Student Conduct Hearing panel’s decision regarding the accused student’s responsibility and the imposed consequences/sanctions (if any), including the rationale in support of such consequences/sanctions, will be provided to the accused student in writing within five days of the Student Conduct Hearing. Where the alleged violation involves sexual misconduct, the individual who reported the incident and/or was subjected to the alleged sexual misconduct will also receive a written copy of the same information on the same day as the accused student.
- In addition to the written notification of the panel’s decision and the imposed consequences/sanctions (if any), an accused student found ‘responsible’ will also receive written notice regarding his/her right to appeal the panel’s decision and/or imposed consequences/sanctions. Where the alleged violation involves sexual misconduct, the individual who reported the incident and/or was subjected to the alleged sexual misconduct will also receive a written copy of the same information on the same day as the accused student.
- An accused student found ‘responsible’ may commence his/her appeal by following the procedures described in the paragraphs titled ‘**Appeals Process.**’ Where the alleged violation involves sexual misconduct, an appeal may also be commenced by the individual who reported the incident and/or was subjected to the alleged sexual misconduct by following the same procedures. In the event an appeal is requested in regard to an alleged violation involving sexual misconduct, the Student Conduct Hearing panel’s decision will be protected from public release by the College until the Appeals Process is complete and final, unless the law requires otherwise; however, the students involved may choose whether or not to discuss or disclose the outcome of the Student Conduct Hearing.
- If a student does *not* commence an appeal within the required timeframe (i.e., five business days from receiving written notification of the Student Conduct Hearing panel’s decision), then the Student Conduct Hearing panel’s decision will be *final*.

In instances where academic misconduct has been reported, the Dean of Students will defer authority to the Dean of the College.

Appeals Process

Any student found ‘responsible’ by a Student Conduct Hearing panel may appeal the panel’s decisions, including its determination of responsibility and/or the consequences/sanctions imposed. Where the alleged violation involves sexual misconduct, an appeal may also be requested by the individual who reported the incident and/or was subjected to the alleged sexual misconduct.

If a student wishes to appeal the decision of the Student Conduct Hearing panel, whether in regard to its determination of responsibility or its imposed consequences/sanctions, the student must submit

a written request for an appeal to Office of the President within five business days (i.e., weekdays) of receiving written notification of the panel's decision. The written request for appeal must include a brief statement of whether the student objects to the Student Conduct Hearing panel's determination of responsibility, the imposed consequences/sanctions, or both, as well as include a brief statement of the student's argument(s) as to *why* the Student Conduct Hearing panel's determination of responsibility and/or imposed consequences/sanctions were inappropriate. Upon receiving the student's written request for appeal, the President will schedule an Appeal Hearing, to be held in a timely manner at a campus location and date determined by the President. Upon scheduling the Appeal Hearing, the President will provide written notification of the location, date, and time to the students involved.

The Appeal Hearing will be conducted in a fair, impartial, and thorough manner. The Appeal Hearing will be presided over by a panel of impartial individuals selected by the President. No individual who served on the Student Conduct Hearing panel is allowed to serve on the Appeal Hearing panel. The panel will hear all arguments presented in regard to whether the Student Conduct Hearing panel's decisions were appropriate. After all arguments have been presented, the Appeal Hearing panel will render a decision on the appealed issues and, if appropriate, impose revised consequences/sanctions on a student. Within five days of the Appeal Hearing, the student(s) involved will receive written notification of the Appeal Hearing panel's decision and the rationale for such decision. The Appeal Hearing panel's decisions are final and are not subject to further appeal.

Possible Consequences and/or Sanctions

The following possible sanctions may be imposed as a result of a Student Conduct Hearing and/or an Appeal Hearing. In addition, if at any point (whether during or prior to any such hearing) a student's presence on campus creates a threat to the health, safety, and/or well-being of other students or other members of the Maria College community, the College reserves the right to immediately suspend that student from campus until the time of the Student Conduct Hearing and/or Appeal Hearing.

The following list of possible consequences/sanctions is not exhaustive, and these consequences/sanctions may be imposed singularly or in any combination. Any combination of the following sanctions, as well as different and/or additional consequences or sanctions, may be imposed by a Student Conduct Hearing panel and/or Appeal Hearing panel as the panel members may deem appropriate.

- **No Consequences/Sanctions:** Where the Student Conduct Hearing panel (and/or the Appeal Hearing panel, in the event an appeal is sought) determines that a student is 'not responsible,' the student conduct charges against the student will be dismissed and the student's name will be cleared.
- **Verbal Warning:** A discussion with the student about the incident, with no written notification issued.
- **Written Warning:** A written notice to the student stating that his/her conduct is in violation of College regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension.
- **Loss of Privileges:** A stated temporary loss of campus privileges, such as but not limited to the ability to attend special events or participate in extracurricular activities, set in writing for a stated period of time.

- Restitution: Financial reimbursement for damages to property.
- Community Service: A stated number of hours, set in writing, of donated service commensurate with the conduct violation.
- Referral for Mandatory Counseling: A stated number of counseling sessions, set in writing, commensurate with the conduct violation. The counseling sessions may be required to be completed either with the College's on-campus Counseling Services or with an external counseling professional, as appropriate. The costs of any such counseling services will be paid by the College.
- Referral for Mandatory Mental Health Assessment: A required evaluation by an appropriate mental health professional of the College's choosing. The costs of any such evaluation will be paid by the College.
- Disciplinary Probation: A stated period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the College community. Failure to demonstrate appropriate conduct may subject the student to further consequences/sanctions, such as community service and/or suspension.
- Disciplinary Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during the student is expected to demonstrate appropriate conduct as a member of the College community. This sanction automatically results in a Transcript Notation sanction.
- Disciplinary Dismissal from the College (Expulsion): Permanent termination of status as a student of the College. This sanction automatically results in a Transcript Notation sanction.
 - Transcript Notation: Where a student is found 'responsible' for a violation involving violence, including sexual violence and/or sexual misconduct, and is then subjected to either suspension or expulsion from the College, the student's transcript will automatically receive a notation stating "Suspended after a finding of responsibility for a Code of Conduct violation" or "Expelled after a finding of responsibility for a Code of Conduct violation," as appropriate. Where a student withdraws from the College while such charges are pending, the student's transcript will receive a notation stating, "Withdrew with conduct charges pending." Transcript notations regarding expulsion and withdrawal shall be permanent.
 - Other consequences and/or sanctions as deemed appropriate by the Student Conduct Hearing panel and/or Appeal Hearing panel.

STUDENT GRIEVANCE POLICY

The College is committed to resolving student complaints regarding their academic experience in a fair and timely manner. Academic & administrative complaints and disputes are resolved under a different process than that used for Code of Conduct violations. Any grievances involving potential sexual misconduct by a student, faculty member, or staff member will be resolved according to Maria College's Sexual Misconduct Policy.

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

- Disagreement with disability accommodations and/or academic accommodations offered by the Disability Services Program within the Office of Student Support Services
- Complaints against professors regarding disability accommodations and/or academic accommodations provided during classes

- Complaints against professors regarding course grades
- Complaints regarding the quality and/or nature of instruction, assessment, or advisement provided by professors and faculty
- Other non-conduct-related academic and/or administrative disputes

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

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

- Step 1: Student must try to resolve the complaint through an informal discussion between the student and the person(s) against whom the complaint is made (usually the instructor or professor in question).
- Step 2: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Chair of the relevant academic department. Where the Chair is the person against whom the complaint is being made, the student may proceed directly to Step 3.
- Step 3: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Dean of the College. The Dean will request that the student put his/her complaint in writing, and the Dean will arrange a formal meeting between the student and the person(s) against whom the complaint is made, with the Dean of the College in attendance. At the meeting, both the student and the person(s) against whom the complaint is made will have an opportunity to provide their perspective and suggest a solution.
- Step 4: If a solution is not agreed upon during the formal meeting, the Dean of the College will determine the appropriate resolution. The Dean's decision will be made within 7 days of the formal meeting. The Dean's decision will provide in writing to both the student and the person(s) against whom the complaint is made. The Dean's decision will be final.

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

- Step 1: Student must try to resolve the complaint through an informal discussion between the student and the person(s) against whom the complaint is made.
- Step 2: If a good faith effort to resolve the complaint through an informal discussion is not effective, the student may seek the assistance of the Dean of Students. The Dean will request that the student put his/her complaint in writing, and the Dean will arrange a formal meeting between the student and the person(s) against whom the complaint is made, with the Dean of Students in attendance. At the meeting, both the student and the person(s) against whom the complaint is made will have an opportunity to provide their perspective and suggest a solution.
- Step 3: If a solution is not agreed upon during the formal meeting, the Dean of Students will determine the appropriate resolution. The Dean's decision will be made within 7 days of the

formal meeting. The Dean's decision will provide in writing to both the student and the person(s) against whom the complaint is made. The Dean's decision will be final.

In certain instances, the Dean of Students may choose to seek the advice and/or involvement of the Dean of the College, program directors, department chairs, or other relevant College officials, as appropriate.

INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY PROCEEDINGS

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

BIAS-RELATED CRIME ACT OF 2000

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

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

Reporting a Crime

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

- *Maria College Security*
Main Building: 518-376-0690
- *Title IX Coordinator*
Mercy Hall: 518-861-2505
- *Senior Vice President (Chief Mission and Advancement Officer, Dean of Students)*
Marian Hall: 518-861-2571
- *Director of Counseling and Accessibility Services*
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 drug and alcohol 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 while on campus property or the premises of academic field sites and clinical placements, and/or while participating in academic field work, College-affiliated volunteer opportunities, events sponsored by or affiliated with the College, or other events at which an individual is serving in a student capacity or as a representative of the College. 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. Students who wish to report an incident of sexual misconduct—whether as the victim or as a bystander—that occurred while the reporting individual or another individual was under the influence of alcohol or drugs will **not** face disciplinary action.

At any time, a student may seek confidential assistance on a voluntary basis from Counseling Services.

Mandatory Referrals for Counseling Treatment Due to Alcohol/Drug Use

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 Counseling Services.
- 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.

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

This policy intends to address conduct prohibited under federal laws, including Title IX, the Clery Act, and the Violence Against Women Act, as well as under New York State law, specifically its “Enough Is Enough” law (Education Law 129-B).

This policy applies to all College community members, including students, faculty, staff, other employees, and independent contractors. The College will receive and address reports received from any individual, whether or not he/she is affiliated with Maria College, that a College community member has violated this policy. Vendors, contractors, visitors, and others who conduct business with the College or on College property are likewise expected to comply with this policy. The prohibitions and protections in this policy apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

The prohibitions and protections in this policy apply regardless of whether the violation occurs on campus or off campus. Members of the College community who commit acts of sexual misconduct will be disciplined appropriately and pursuant to College policy. This policy describes protections specifically for students who are subjected to sexual misconduct as well as disciplinary procedures specifically relevant to students who commit sexual misconduct. The actions the College is empowered to take against an individual who commits sexual misconduct may vary or be limited when that individual is not a member of the College community; however, whenever a member of the College community is subjected to sexual misconduct, regardless of the status of the individual who committed it, the College will continue to provide support, resources, and protection to the affected community member. At all times, Maria College will cooperate with and assist in law enforcement investigations whenever appropriate and requested to do so.

For full policy, visit <https://mariacollege.edu/about-maria/policies-procedures/sexual-misconduct-policy>

Applicable Federal Laws

This policy supplements the general policy statement set forth in Maria College’s Non-Discrimination policy and addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”),

the Campus Sexual Violence Act (“SaVE”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery”), Title IV of the Civil Rights Act of 1964 (“Title IV”) and the Family Educational Rights and Privacy Act of 1964 (“FERPA”).

Civil Rights Compliance Officer

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

Definitions and Examples of Conduct Prohibited Under this Policy

The following terms are used throughout this policy book and may be heard during conversations with College officials and/or during student conduct proceedings. Due to the sensitive and sometimes violent nature of incidents involving sexual misconduct, the following definitions are provided for informational use by students and for guidance in the investigation and processing of alleged violations. It is possible that a particular action may constitute sexual misconduct even if not specifically mentioned in these definitions.

If you have any questions about what these terms mean or whether they apply to certain situations, please feel free to talk to the College's Title IX team. Any questions about whether a specific incident violates New York State criminal laws should be addressed to law enforcement or to the local district attorney.

Sexual activity

- Sexual activity includes both sexual acts and sexual contact.
 - Sexual act
 - Contact between the penis and the vulva or between the penis and the anus. Contact involving the penis occurs upon penetration, however slight.
 - Contact between the mouth and the penis, mouth and the vulva, or the mouth and the anus.
 - Penetration, however slight, of the anal or genital opening of another person by a hand, finger, or any object, with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.
 - Intentional touching, not through clothing, of the genitalia of another person under the age of 16 years, with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.
 - Sexual contact
 - Intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.

Sexual misconduct

- Sexual misconduct is a broad term that encompasses a range of behaviors. Sexual misconduct can occur between people who know each other, people who have an established relationship, people who have engaged in consensual sexual activity before, and people who don't know each other. Sexual misconduct can be committed by persons of any gender or gender identity, and it can occur between people of the same sex or different sex. Sexual misconduct includes

but is not limited to:

- Sexual assault
 - Unwanted sexual activity and/or unwanted sexual contact that has not been consented to by one or more of the participants, including but not limited to:
 - Rape
 - The penetration, no matter how slight, of a person's vagina or anus, without that person's consent, by another person with any body part or object; and/or the penetration of a person's mouth, without that person's consent, by another person's sex organ.
 - Sexual coercion
 - Using verbal pressure to compel another person to engage in sexual activity that he/she would otherwise not consent to, including but not limited to telling lies, threatening to spread rumors, and engaging in verbal abuse.
 - Fondling
 - Touching the private body parts of another person, without that person's consent, for the purpose of sexual gratification.
 - Statutory rape
 - Sexual intercourse with a person who is under the legal age of consent.
- Sexual exploitation
 - Engaging intentionally in exploitive behavior including but not limited to the following:
 - Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed, or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 - Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
 - Exposing one's genitals to another person without the consent of that person;
 - Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed;
 - Causing another person to become incapacitated with the intent of making that person vulnerable to non-consensual sexual activity or sexual exploitation.
- Stalking
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or would cause a reasonable person to suffer substantial emotional distress.
- Domestic violence
 - Violence committed by a current or former spouse, by a person with whom you share a child, or by a person with whom you live or have lived as a spouse or intimate partner, including acts of sexual violence, sexual abuse, physical abuse, or the threat of any such abuse.
- Dating violence

- Violence committed by a person you are dating or have dated, or by a person with whom you have or have had a relationship of a romantic or intimate nature, including acts of sexual violence, sexual abuse, physical abuse, or the threat of any such abuse.
- Gender-based harassment
 - Unwelcome conduct of a non-sexual nature based upon a person's actual or perceived sex, including conduct based on gender identity, gender expression, and non-conformity with gender stereotypes.
- Sexual harassment
 - Unwelcome conduct of a sexual nature that is so severe, persistent, or pervasive as to limit a student's ability to participate in or benefit from an education program or as to create a hostile or abusive educational environment, including but not limited to the following:
 - Unwelcome sexual advances
 - Requests for sexual favors
 - Sexual exploitation
 - Offering employment or educational benefits in exchange for sexual favors
 - Threatening or taking negative action in the event of having sexual advances denied and/or after having sexual advances denied, such as a professor threatening to fail a student unless the student agrees to date the professor
 - Graphic verbal comments about an individual's body or appearance
 - Spreading sexual rumors
 - Touching an individual's body or clothing (including one's own) in a sexual way, such as grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, fondling, etc.
 - Other verbal or non-verbal conduct of a sexual nature
 - Other sexual misconduct and/or sexual violence including stalking, dating violence, and domestic violence
- Sex discrimination and/or gender discrimination
 - Treating an individual unfavorably or adversely based upon that individual's sex and/or gender in the context of educational or employment activities, programs, or benefits, such as in admissions, hiring, selection for and/or participation in projects, teams, or events, provision of wages or benefits, selection for promotions, etc.
- Retaliation
 - Taking adverse action against an individual for making a good faith report of prohibited behavior, for participating in any investigation or proceeding into such behavior, and/or otherwise cooperating with the College's efforts to prevent and remediate sexual misconduct in its community, including but not limited to engaging in intimidation, threats, coercion, and/or adverse actions regarding education or employment.
 - Retaliation does not exist where an individual pursues actions in good faith in response to a report of prohibited behavior, such as an accused individual offering evidence in his/her own defense.
 - Retaliation may be committed by an accused individual, a reporting individual, or any other person or group of persons.
 - Retaliation may exist even where an underlying report that was made in good

faith was found to be unsubstantiated by evidence and/or the accused individual was determined to be ‘not responsible.’

- Other sexual violence
- Other inappropriate behavior of a sexual nature

Affirmative consent

- Affirmative consent is the 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.
- Important guidance regarding 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 any coercion, intimidation, force, or threat of harm.
 - When consent is withdrawn or can no longer be given, sexual activity must stop.
- In a nutshell, sex is something you participate in, not something that happens to you!

Title IX Coordinator

- Maria College has a Title IX team comprised of the Title IX Coordinator and two Deputy Title IX Coordinators. The Title IX team is responsible for coordinating the College’s prevention of and response to sexual harassment and sexual violence, as well as for addressing any questions or inquiries regarding how Maria College applies federal Title IX law and regulations. The College’s Title IX team also coordinates the College’s response to acts of sexual misconduct as required by New York State’s “Enough Is Enough” law (Education Law 129-B).
- The Title IX team has many responsibilities as part of its job of ensuring the College complies with the law. The Title IX team has the primary responsibility for the following:
 - receiving complaints regarding sexual misconduct;
 - providing information to students about resources and support services available;
 - directing investigations into incidents of sexual misconduct;
 - issuing interim protective measures and arranging requested accommodations;
 - initiating student conduct charges against students who have committed sexual misconduct;
 - ensuring the student conduct process is handled the right way;
 - overseeing student compliance with consequences and sanctions imposed through the student conduct process;
 - collecting statistics regarding the prevalence of sexual misconduct on campus;
 - conducting bi-annual surveys of the campus community regarding sexual misconduct;

- and
 - overseeing education and training programs relating to sexual misconduct.
- The Title IX Coordinator (or either of the two Deputy Title IX Coordinators) is the person with whom you would file a formal report regarding sexual misconduct. You can also privately tell the Title IX Coordinator (or either of the two Deputy Title IX Coordinators) about incidents of sexual misconduct even if you do not want to file a formal report. You can also disclose those incidents to other College officials, if you prefer.
 - All College officials except for the College’s confidential resource are required to notify the Title IX Coordinator when a student discloses an incident of sexual misconduct to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the student to offer help, support, and information about filing a formal report if the student desires to do so. Those College officials would only provide the Title IX Coordinator with the necessary information, and the student’s privacy would be maintained at all times.
 - Other College officials are not required to notify the Title IX Coordinator when a student discloses an incident of sexual misconduct to them. These College officials are known as “confidential officials.” Maria College has at least one confidential official with whom students can speak with confidentially. More information about confidentiality and a list of the confidential officials is provided below. The Title IX Coordinator will maintain student privacy to the greatest extent possible, but is not a confidential resource, given the nature of their duties.
- Any references to the “Title IX Coordinator” in this policy also includes other individuals on the Title IX team, such as the Deputy Title IX Coordinators.
- Maria College’s Title IX team is comprised of the following individuals:

Person	Title IX Team Role	Other Campus Role	Contact Information
Andrew Ledoux	Title IX Coordinator	Associate Vice President for Student Affairs Associate Dean of Students	Mercy Hall TitleIX@mariacollege.edu 518-861-2505
Jillian Mertzluft	Deputy Title IX Coordinator	Assistant Director of Student Support and Mission	Mercy Hall TitleIXDeputy@mariacollege.edu 518-861-2533
Rosalyn Vazquez	Deputy Title IX Coordinator	Human Resources Manager	Main Building TitleIXDeputy@mariacollege.edu 518-861-2580

Confidentiality

- Confidentiality can be offered by a College official who is *not* required by law to report known incidents of sexual assault or other crimes to the College’s Title IX Coordinator or any other

College officials. Any conversation you have with a confidential official will be kept completely confidential and will not be shared with anyone else without your permission, except in the very rare and extreme circumstance where someone's safety is at risk.

- Maria College has at least one College official who can offer complete confidentiality to persons who want to confidentially report an incident of sexual misconduct:

Confidential Official	Other Campus Role	Contact Information
Kim Noakes	Director of Counseling and Accessibility Services Assistant Dean of Students	Mercy Hall knoakes@mariacollege.edu 518-861-2508

- Examples of other individuals who can offer confidentiality:
 - Medical providers
 - Lawyers providing legal advice
 - Licensed mental health counselors, psychologists, and social workers
 - Pastoral counselors (e.g., priests and other clergy members)
 - Local rape crisis centers and other confidential community resources

Privacy

- Privacy can be offered by a College official who is unable to offer confidentiality due to their legal obligation to report known incidents of sexual assault or other crimes to the Title IX Coordinator. Even College officials 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 for the Title IX Coordinator to investigate and/or seek a resolution.
- Any College official who is not considered a confidential resource, including your campus Title IX Coordinator, is considered a College official who will guarantee privacy.

Accused

- A person accused of sexual misconduct or another violation of this policy.

Reporting individual

- Reporting individual includes any person who is a victim, survivor, complainant, and other individuals who were subjected to sexual misconduct, and then report it.

Bystander

- Bystander includes any person who witnesses or learns about sexual misconduct or another violation of this policy who is not themselves the victim or person subjected to the sexual misconduct.
- Bystanders are welcome and encouraged to report incidents of sexual misconduct that they have witnessed or learned about.
 - If your friend is a victim of sexual misconduct, please encourage them to reach out for help.

Prohibited Behavior Under Maria College's Sexual Misconduct Policy

Maria College is a place of academic learning, and its community members are expected to behave accordingly. The following behaviors are considered specific and serious violations of Maria College's Sexual Misconduct Policy. Violations of this policy can occur both on-campus and off-campus and may also include other unacceptable conduct not specifically listed below. Any possible or known violation of this policy may result in the College conducting an investigation; in certain instances, the College is obligated by federal and/or New York State law to conduct an investigation into these behaviors. Students believed to have committed prohibited behavior, including sexual misconduct, in violation of this policy may face student conduct charges, which can result in serious consequences, such as suspension or expulsion.

Prohibited Behavior

- Sexual misconduct, including but not limited to the following:
 - Rape
 - Sexual assault
 - Sexual harassment
 - Stalking
 - Domestic violence
 - Dating violence
 - Unwanted sexual activity and/or contact
 - Fondling
 - Statutory rape
 - Gender-based harassment
 - Sex discrimination
 - Retaliation against someone who has made a complaint about sexual misconduct
 - Sexual exploitation
 - Sexual coercion
 - Other sexual violence
 - Other sexually inappropriate behavior
- Attempting to commit sexual misconduct
- Aiding another person in committing sexual misconduct
- Knowingly violating an interim measure or sanction imposed by the College pursuant to this policy, such as a 'no contact' order, suspension, or other measures and/or sanctions deemed appropriate under the circumstances
- Knowingly filing a false report of any prohibited behavior

How to Report Incidents of Sexual Misconduct

In any instance of sexual misconduct, a student has the right to report the incident to the College, to campus security, to local law enforcement, to the State police, to any combination of these authorities, or to not report the incident at all.

Disclosing vs. Reporting

Sometimes students wish to tell someone about an incident of sexual misconduct but are not yet sure whether they wish to see official action taken against the individual who committed it. Students have the option to disclose (tell someone about) an incident without being obligated to file a formal

report. Whether a student chooses to disclose or chooses to formally report an incident, the student has the right to be protected by the College from retaliation and the right to receive assistance and resources from the College.

The Title IX Coordinator (or either of the Deputy Title IX Coordinators) is the person with whom a student would file a formal report regarding sexual misconduct, if the student wishes to do so. Upon receiving a formal report, the Title IX team begins an investigation into the incident and commences the student disciplinary process against the individual who committed the sexual misconduct if found guilty and if that individual is a student of the College (or, if the individual is not a student, takes other appropriate action). The Title IX team will also offer the student assistance and resources. Where there is concern for the safety of a student or campus community, the Title IX Coordinator will consult with the Dean of Students on whether a student can remain on campus.

Students can also make a formal report to the Title IX team even if they do not want an investigation to occur. Although the Title IX Coordinator is not a “confidential official” in the same way as the confidential official, reporting an incident to the Title IX team while expressing one’s wish for no investigation to occur is known as a “confidential report” to the Title IX team. This is considered a “confidential report” in that the Title IX team will first ask the student’s permission before beginning an investigation and commencing the student disciplinary process. If the student declines to give permission, the Title IX Coordinator will honor the student’s decision and will not investigate the report, except in the rare and extreme circumstances where failing to investigate would prevent the College from providing a safe and non-discriminatory environment for all members of the College community. In those cases, the student would not be obligated to participate in the investigation or the disciplinary process. Whatever the student decides, the Title IX team will still offer the student assistance and resources.

Disclosing to Someone Other Than the Title IX Coordinator

Students can also disclose incidents to College officials other than the Title IX Coordinator, if they prefer to do so. College officials, with the exception of the College’s confidential resource, are required to notify the Title IX Coordinator when a student discloses an incident of sexual misconduct to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the student to offer help, support, and information about filing a formal report if the student desires. While these College officials cannot offer true confidentiality, they promise not to disclose more information to the Title IX Coordinator than necessary. The information disclosed will be limited to only the information needed to conduct an investigation (if the student permits) and to ensure student safety.

Other College officials are *not* required to notify the Title IX Coordinator when a student discloses an incident of sexual misconduct to them. These College officials are known as “confidential officials.” Maria College has at least one confidential official with whom students can speak with confidentially. These College officials can help students obtain assistance and resources without sharing a student’s confidential information with anyone else. Speaking to a “confidential official” will not result in a formal report being made.

Students can also disclose incidents to non-College officials, such as a local rape crisis center or a mental health counselor. Students can also find local rape crisis centers and other community resources by dialing 2-1-1 or by calling the New York State Domestic & Sexual Violence Hotline (1-800-942-6906). These types of non-College officials provide confidentiality and can offer

support and referrals to helpful services & resources. These persons are not affiliated with the College and have no obligation to notify the Title IX Coordinator about the incident.

Making a Formal Report Confidentially and/or Anonymously

In addition to the options for disclosing an incident of sexual misconduct, students also have several options for making a formal report. The Title IX Coordinator is the person with whom a student would file a formal report regarding sexual misconduct, if the student wishes to do so. All reports of sexual misconduct will be handled with the utmost privacy. Students reporting instances of sexual misconduct – whether they are the victim, a friend, or a witness/bystander—can also make confidential and/or anonymous reports if they prefer to do so.

Formal reports can be made to the Title IX Coordinator by the following methods:

- Meeting with the Title IX Coordinator in-person.
- Emailing TitleIX@mariacollege.edu or TitleIXDeputy@mariacollege.edu.
- Filing an incident report form with the Department of Student Affairs or the Security Desk.
 - A blank incident report form can be found in **Appendix I** of this Student Handbook, or online on the MyMaria student portal. Hard copies of blank incident report forms are also available in the Office of Campus Security, Office of Human Resources, Department of Student Affairs, and with the Title IX Officers.

Making a *confidential report* to the Title IX Coordinator can be done in-person or via email.

- While this reporting method is known as a “confidential report,” due to the nature of their responsibilities, the Title IX Coordinator is not truly a “confidential official”—by making a “confidential report,” you are making a formal report but asking the Title IX team to not investigate the incident. All information provided in a “confidential report” will be handled with the utmost privacy.
- Important note regarding “confidential reports”:
 - When a reporting individual formally reports an incident of sexual misconduct but expresses that he/she does not wish for the College to conduct an investigation, the College will typically honor that request. However, sometimes the College will be obligated to weigh such a request against the College’s duty to ensure the safety of others on campus. Some of the factors the College may consider in weighing a request to not investigate may include the following:
 - Whether the accused individual has a history of violent behavior or is a repeat offender;
 - Whether the incident represents escalation in unlawful conduct by the accused individual, compared to his/her previous behavior;
 - The increased risk that the accused will commit additional acts of violence;
 - Whether the accused used a weapon and/or force;
 - Whether the reporting individual is a minor;
 - Whether the institution has other means of obtaining evidence (e.g., security footage) and whether available information reveals a pattern of perpetration at a given location or by a particular group.
 - When the College determines that an investigation is necessary, the student who reported the incident will be notified in writing.

Making an *anonymous report* to the Title IX Coordinator can be done by either:

- Calling Maria College’s anonymous reporting hotline: 518-514-7050
 - The telephone hotline is answered only by the Title IX Coordinator. All efforts are made to answer this hotline 24/7, no matter what time of day it is called. In the event that the phone cannot be answered for some reason, reporting individuals have the option of leaving a voicemail message—the voicemail is private and will only be heard by the Title IX Coordinator.
- Emailing TitleIX@mariacollege.edu or TitleIXDeputy@mariacollege.edu from an email address that does not identify you.
- Important note regarding anonymous reports:
 - Individuals who wish to anonymously report an incident should be aware that their anonymity may inhibit the College’s ability to conduct a full investigation of the incident and/or communicate with the student regarding actions taken.

In the event that sexual misconduct has been committed by a non-member of the College community (including an unknown person or stranger), students may still report the incident to the College and receive support and protection.

Students also have the option to make a report to law enforcement, either in addition to or as an alternative to making a report to the College.

Make a report to law enforcement by the following means:

- Contacting the New York State Police at (844) 845-7269 *or by*
- Contacting local law enforcement in your area

Local Law Enforcement
New York State Police, Troop G, 518-783-3207
City of Albany Police Department, 518-462-8015
Albany County Sheriff, 518-765-2352
City of Schenectady Police Department, 518-382-5201
Schenectady County Sheriff, 518-388-4300
City of Troy Police Department, 518-270-4446
Rensselaer County Sheriff, 518-462-7451

Amnesty Policy for Alcohol and/or Drug Use

Students should not be afraid to report an incident of sexual misconduct merely because they were drinking alcohol or using drugs at the time of the incident, whether they were a victim, witness, or bystander. Maria College has adopted an amnesty policy for alcohol and/or drug use in regard to incidents of sexual misconduct. The health and safety of every student at Maria College is of utmost importance. Maria College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Maria College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Maria College officials or law enforcement will not be subject to the College’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Disclosures During Advocacy Events

Individuals occasionally disclose information regarding sexual misconduct during a public awareness and/or advocacy event, such as candlelight vigils, protests, survivor speak-outs, Clothesline Project events, Take Back the Night events, Day of Unity events, and other similar public events. These events typically serve the purpose of empowering survivors and raising awareness about issues related to sexual violence, as opposed to serving as a forum in which formal reports are made. Accordingly, the College is not obligated to begin an investigation based on information disclosed at these events, however any individual always remains free to file a report with the College if they choose to do so. The College may use information provided at such events to inform its efforts for additional education and prevention efforts regarding sexual misconduct and sexual violence.

Campus Alerts

When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, the College is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.

Campus Crime Data

When the Title IX Coordinator receives reports of sexual misconduct and certain other crimes that occur in certain locations on and/or near campus, federal and New York State laws require the Title IX Coordinator to count the number of those reports for inclusion in the College's annual security report. This is merely an anonymous tally—neither the identity of the reporting individual nor the specifics of the crime are included in the annual security report.

Resources, Support Services, and Protection for Students

Maria College is committed to supporting victims and survivors of sexual misconduct and sexual violence, regardless of when, where, or who committed the acts in question. In this section, the College has collected information and resources that may be helpful. If there are other resources that you or a friend might need, the College encourages you to reach out to the College's Title IX team, who can help obtain those resources. If you are in immediate danger at any point, call 911.

Obtaining Immediate Medical Attention

If you have been the victim of rape, sexual assault, domestic violence, or dating violence and are in need of immediate medical attention, please call 911 and/or consider visiting a hospital, urgent care center, or medical provider. Below is a list of emergency medical facilities and other medical providers near Maria College's campus. New York State law requires that all hospitals in the State offer forensic rape examinations (sometimes also called 'forensic sexual assault examinations' or simply 'rape kits'). Hospitals must notify the victim/survivor that they can choose to have the forensic rape exam and its related charges billed to the NYS Office of Victim Services at no cost to the victim/survivor. After the exam, you might receive other medical services or counseling services for which the hospital might charge you or bill your health insurance; if your insurance plan is through someone else (such as your parent), you are encouraged to tell hospital staff if you do not want your insurance policyholder to be notified about your access to these services.

Especially in incidents of rape or sexual assault, it may be important to receive a forensic examination as soon as possible in order to preserve evidence and/or to receive protection from sexually transmitted infections and pregnancy. To best preserve evidence, you should avoid showering, washing, changing clothes, discarding clothes, combing hair, or otherwise altering your physical appearance until the exam is complete, and you should seek an exam as soon as possible. Most medical professionals recommend receiving emergency HIV-prevention medication within 36 hours (1.5 days), a forensic exam within 96 hours (4 days), and emergency contraception (sometimes called “the morning-after pill”) within 120 hours (5 days) of being raped or sexually assaulted. Even if you don’t want evidence to be collected, it is still recommended that you get examined by a doctor in order to address physical injuries, potential pregnancy, and possible exposure to sexually transmitted infections. For more information about what to do after an assault, please call the NYS Sexual Violence Hotline at 1-800-942-6906 (available 24/7/365) to be connected to your local rape crisis center or visit the National Sexual Violence Resource Center website at www.nsvrc.org.

Medical Facility

St. Peter’s Hospital, 315 S. Manning Blvd., Albany, NY 12208
Albany Memorial Hospital, 600 Northern Boulevard, Albany, NY 12208
Albany Medical Center Hospital, 43 New Scotland Avenue, Albany, NY 12208
Ellis Health Center, 600 McClellan Street, Schenectady, NY 12304
Ellis Hospital, 1101 Nott Street, Schenectady, NY 12308
St. Mary’s Hospital, 1300 Massachusetts Avenue, Troy, NY 12180
Samaritan Hospital, 2215 Burdett Avenue, Troy, NY 12180

More information regarding forensic examinations and sexually transmitted infections, as well as other resources available through the New York State Office of Victim Services, is available by talking to someone on the Title IX team or by contacting the New York State Office of Victim Services directly: (800) 247-8035 or <https://ovs.ny.gov/contact-us>.

On-Campus and Off-Campus Resources and Support Services

Individuals who have been subjected to sexual misconduct also often need other types of support. Even if you think you are okay and that you do not need help, the College encourages you to reach out to someone. The College offers on-campus resources that may benefit you. In addition, there are various off-campus resources that you can use if you prefer not to seek help from on-campus resources. Likewise, students who have been accused of sexual misconduct also often need support and guidance. All on-campus resources are equally available to those students.

Below is a list of on-campus and off-campus resources near Maria College’s campus, including counselors, advocates, and community resources. If you have any questions or are not sure where to go, the Title IX team can help point you in the right direction. If you are not sure who is on the College’s Title IX team, their names are included below as On-Campus Resources.

On-Campus Resources
Andrew Ledoux
Assoc VP for Student Affairs
Title IX Coordinator
Main Building
518-861-2505
TitleIX@mariacollege.edu

Off-Campus Resources
Albany County Crime Victim & Sexual Violence Center
112 State Street, Room 1118, Albany, NY 12207
518-447-7100 (office) 518-447-7716 (24-hour hotline)
Provides free and confidential services for Albany County residents of all genders and ages who have been affected by a crime, including resources for victims of sexual assault and domestic

On-Campus Resources

Jillian Mertzlufft
**Assistant Director of Student
Services and Mission**
Deputy Title IX Coordinator
Marian Hall
518-861-2533
DeputyTitleIX@mariacollege.edu

Rosalyn Vazquez
Human Resources Manager
Deputy Title IX Coordinator
Main Building
518-861-2580
DeputyTitleIX@mariacollege.edu

Kim Noakes
**Director of Counseling and
Accessibility Services**
Confidential Resource
Mercy Hall
518-861-2508
knoakes@mariacollege.edu

Off-Campus Resources

violence and resources for LGBTQ persons

Equinox Domestic Violence Services
95 Central Avenue, Albany, NY 12206
518-432-7865 www.equinoxinc.org
*Provides free domestic violence services, including safe shelters
and transitional housing, counseling, support groups, and legal
services, to victims and their children.*

The Legal Project's Campus Violence Legal Connection
24 Aviation Road, Suite 101, Albany, NY 12205
518-435-1770 www.legalproject.org
Or contact Attorney Brittnei Gulotty directly:
bgulotty@legalproject.org
*Provides free legal consultation and pro bono (free) legal
representation in family court matters.*

In Our Own Voices
245 Lark Street, Albany NY, 12210
518-432-4341 www.inourownvoices.org
*Offers a variety of free programs designed to serve the LGBTQ
community, including domestic violence and crime victim services,
health services and HIV education, support groups, and legal
services.*

YWCA of Northeastern New York
44 Washington Avenue, Schenectady, NY 12305
518-374-3394 www.ywca-northeasternny.org
*Provides domestic violence services, including counseling, support
groups, and safe housing options*

Unity House
2431 Sixth Avenue, Troy, NY 12180
518-274-2607 (office)
518-272-2370 (24-hour anonymous hotline)
www.unityhouseny.org
*Provides services regarding domestic violence and stalking,
including counseling, support groups, emergency shelter and safe
housing, and legal assistance, to victims and their children.*

The above is only a brief listing of the resources available to you. You can find many more resources by dialing 2-1-1 for free, confidential help finding an extensive list of resources, including law enforcement & public safety assistance, legal services, hospitals that conduct sexual assault forensic exams, confidential counseling services, and more. 2-1-1 is available 24/7, and many of the resources to which they can refer you also are available 24/7, are confidential, and are low-cost or free of charge.

Protections and Campus Accommodations

In addition to the support provided by on-campus and off-campus resources, the College is prepared to offer you certain protections and reasonable campus accommodations. Below is a list of protections and campus accommodations that may be available, if appropriate. To request any of

the below protections and/or campus accommodations, please contact the College's Title IX team. The Title IX team will then make the necessary arrangements, including coordinating with other campus offices as needed, in order to maintain your privacy.

- Having the College issue a 'no contact' order against an individual
 - A 'no contact' order requires the accused to leave a public place where both the accused and the reporting individual are present. The accused is not allowed to contact or speak with the reporting individual. If necessary, the College may establish a schedule for the accused and the reporting individual to access College buildings and property at separate times. Violating the 'no contact' order could subject the accused to additional consequences and/or the involvement of law enforcement.
 - Upon request, both the accused and the reporting individual will have the opportunity to provide their perspective on the need for a 'no contact' order, the terms of any 'no contact' order issued, and the potential for modifying the 'no contact' order and will be allowed to submit evidence in support of their view.
- Assistance from College officials in obtaining an order of protection or restraining order from law enforcement against an individual
 - Orders of protection and restraining orders are similar to 'no contact' orders, except that they are imposed by the local police, not by the College. If an individual violates an order of protection or restraining order, they could be arrested. The College reserves the right to impose consequences on individuals who violate orders of protection and restraining orders, such as imposing additional conduct charges and/or subjecting the accused to interim suspension.
- Assistance from College campus security in calling on and assisting law enforcement in effecting an arrest when an individual violates an order of protection
- Having an individual subjected to interim suspension or other appropriate interim measures when he/she poses a continuing threat to the health and safety of the College community
 - Determinations of whether a student poses a continuing threat to the health and safety of the College community are made by the Dean of Students (or his/her designee). Such a determination is always made in good faith and takes into consideration:
 - The nature of the allegation in question
 - Subsequent behavior occurring after the allegation
 - The potential risk of harm or disruption to the campus community and the reporting individual
 - Other relevant factors, such as whether the alleged behavior represents an escalation in behavior from past incidents, the possession and/or use of a weapon, and whether alternatives to interim suspension are available
 - When the threat posed implicates mental health issues, the student will be required to provide the College with documentation from an appropriate healthcare provider in order to return to campus. Additional safety precautions may also be taken where the College deems it necessary.
 - When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, the College is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.
- Obtaining reasonable and available interim measures and accommodations for changes in an individual's academics, housing, employment, transportation, or other arrangements in order to help ensure safety, prevent retaliation, and avoid a hostile environment, such as the following:

- Changes to class schedule
- Changes to work schedule
- Changes in dormitory assignment
- Assistance finding alternate transportation
- Assistance finding alternate housing
- Other protections, services, and accommodations that may be appropriate

Disciplinary Process for Students Who Commit Sexual Misconduct

When a student commits or is believed to have committed sexual misconduct—whether committed against another student, other member of the campus community, or non-member of the campus community—the student will likely face student conduct charges and be subjected to the College’s Disciplinary Procedures for Violations of Code of Conduct described in the Student Handbook. All accused students are entitled to a presumption of ‘not responsible’ (not guilty), and all processes will be conducted in a fair, impartial, thorough, and timely manner.

Student Rights

The following rights are guaranteed to students by New York State’s “Enough Is Enough” law. Please read them carefully. If you have any questions, you can always ask the College’s Title IX team. The rights listed in the Student Bill of Rights will also be discussed with you and/or provided to you when you disclose or report an incident of sexual misconduct to any College official, whether they are a confidential official or an official who can guarantee privacy.

Student Bill of Rights

All students have the right to the following:

1. Make a report to local law enforcement and/or the State Police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the student conduct process and/or criminal justice process free from pressure by the College;
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 College 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 College officials as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the College, any student, the accused and/or their friends, family, and acquaintances within the jurisdiction of the College;
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, or accused individual, throughout the student conduct process, including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal

justice, or student conduct process of the College.

Additional Rights

All reporting individuals are further advised of their right to the following:

- Notify College campus security, local law enforcement, and/or State Police;
- Have emergency access to a Title IX Coordinator or other College official trained in interviewing victims of sexual assault who will be available upon the first instance of disclosure by the reporting individual to provide information regarding options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; to explain that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violates New York State criminal laws should be addressed to law enforcement or to the local district attorney; and to explain whether he/she is able to offer the reporting individual confidentiality or privacy and to inform the reporting individual of other reporting options;
- Disclose confidentially the incident to College officials, who may offer privacy and/or confidentiality in accordance with applicable laws, as appropriate, and who can assist in obtaining services and resources for reporting individuals;
- Disclose confidentially the incident and obtain services from the State or local government;
- File a report of sexual assault, domestic violence, dating violence, and/or stalking; have the right to consult the Title IX Coordinator and other appropriate College officials for information and assistance; and have the right to have reports investigated in accordance with College policy, including the right that the reporting individual's identity will remain private at all times if the reporting individuals wishes to maintain privacy;
- Disclose, if the accused is an employee of the College, the incident to the College's Director of Human Resources and/or have the right to request that a confidential or private employee assist in reporting the incident to the Director of Human Resources;
- Receive assistance from College officials in initiating legal proceedings in family court or civil court;
- Withdraw a complaint or withdraw from involvement in the College student conduct process at any time.

Maria College will ensure that *every student* is afforded the following rights:

- The right to request that student conduct charges be filed against the accused in proceedings governed by New York State's "Enough Is Enough" law (Education Law 129-B) and the procedures established by the College in this policy book;
- The right to a process in all student conduct cases where a student is accused of sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct that violates this policy, that includes, at a minimum:
 - notice describing the date, time, location, and factual allegations concerning the violation; reference to the specific policy provisions alleged to have been violated; and possible sanctions for the violation;
 - an opportunity to offer evidence during an investigation, and to present evidence and testimony at a student conduct hearing, where appropriate, and to have access to a full and fair record of any such hearing; and
 - access to at least one level of appeal of a determination before a panel that is fair and

impartial and does not include individuals with a conflict of interest.

- Throughout proceedings involving such an accusation, the right for both the reporting individual and the accused:
 - to be accompanied by an advisor of choice who may assist and advise throughout the student conduct process, including during all meetings and hearings related to the process;
 - to a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the accused (including the right to a presumption that the accused is ‘not responsible’ until a finding of responsibility is made pursuant to New York State’s “Enough Is Enough” law and the College’s policies described in this policy book), and other issues including but not limited to domestic violence, dating violence, stalking, and sexual assault;
 - to an investigation and student conduct process that is fair, impartial, and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest;
 - to have the College’s student conduct process run concurrently with a criminal justice investigation and proceeding, except where law enforcement requests a temporary delay in order to gather evidence;
 - to review and present relevant available evidence in the case file or otherwise in the possession or control of the College;
 - to exclude their own prior sexual history with persons other than the other party in the student conduct process and/or their own mental health diagnosis and treatment from admittance in the stage of College’s student conduct proceedings where responsibility is determined;
 - to receive written advance notice of the following:
 - any meeting he/she is required or eligible to attend
 - any specific rule or law alleged to have been violated and in what manner
 - the consequences and/or sanctions that may be imposed as a result of the student conduct process; and
 - the determination of the student conduct hearing panel and the rationale for any consequences/sanctions imposed;
 - to make an impact statement during the point of student conduct proceedings where appropriate consequences/sanctions are being determined;
 - to be informed of the possible consequences/sanctions that may be imposed upon the outcome of the student conduct process; to simultaneous written notification of the outcome of the student conduct process, including any consequences/sanctions actually imposed; and the rationale for the consequences/sanctions actually imposed;
 - to choose whether to disclose or discuss the outcome of the student conduct process; and
 - to have all information obtained during the course of the student conduct process be protected from public release until the student conduct appeals panel makes a final determination (unless federal and/or State law requires otherwise).

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 Manager 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 Director of Counseling and Accessibility Services are available to assist victims of sexual assault with the provision of supportive services along with resource and referral.

Off campus

Albany County Crime Victims and Sexual Violence Center Crisis Hotline:
518-447-7716 (main number: 518-447-7100).

Equinox Inc. Domestic Violence Services crisis hotline:
518-432-7865 (main number: 518-434-6135)

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

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

It Happened To Alexa Foundation

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

Contact Information:

It Happened to Alexa Foundation
125 South First Street
Lewiston, New York 14092
Phone: (716) 754-9105; 877-77-ALEXA (25392)
Fax: (716) 754-4676
Email: info@ithappenedtoalexa.org
Website: www.ithappenedtoalexa.org

COUNSELING SERVICES

Students may meet with the Director of Counseling and Accessibility Services 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 Director of Counseling and Accessibility Services 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

Director of Counseling and Accessibility Services

Mercy Hall

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

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 Campus Property	Non Campus Property	Public Property
Murder/ Non-Negligent Manslaughter	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Negligent Manslaughter	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Sex Offenses, Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Sex Offenses, Non-Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Robbery	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Aggravated Assault	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Burglary	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Motor Vehicle Theft	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Domestic Violence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Dating Violence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Stalking Incidents	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Arrests: Drug Abuse Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Larceny	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: Category and Name	Examples of <i>Commercial</i> and Street Names	DEA Schedule* / How Administered**	<i>Intoxication</i> <i>Effects</i> /Potential Health Consequences
<i>Cannabinoids</i>			<i>euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination/cough, frequent respiratory infections; impaired memory and learning; increased heart rate, anxiety; panic attacks; tolerance, addiction</i>
hashish	boom, chronic, gangster, hash, hash oil, hemp	I/swallowed, smoked	
marijuana	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	I/swallowed, smoked	
<i>Depressants</i>			<i>reduced anxiety; feeling of well-being; lowered inhibitions; slowed pulse and breathing; lowered blood pressure; poor concentration/fatigue; confusion; impaired coordination, memory, judgment; addiction; respiratory depression and arrest, death</i> <i>Also, for barbiturates—sedation, drowsiness/depression, unusual excitement, fever, irritability, poor judgment, slurred speech, dizziness, life-threatening withdrawal.</i> <i>for benzodiazepines—sedation, drowsiness/dizziness</i>
barbiturates	<i>Amytal, Nembutal, Seconal, Phenobarbital</i> ; barbs, reds, red birds, phennies, tooies, yellows, yellow jackets	II, III, V/injected, swallowed	
benzodiazepines (other than flunitrazepam)	<i>Ativan, Halcion, Librium, Valium, Xanax</i> ; candy, downers, sleeping pills, tranks	IV/swallowed, injected	

<u>flunitrazepam***</u>	<i>Rohypnol</i> ; forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies	IV/swallowed, snorted	<i>for flunitrazepam</i> —visual and gastrointestinal disturbances, urinary retention, memory loss for the time under the drug's effects
<u>GHB***</u>	<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
<i>Dissociative Anesthetics</i>			<i>increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting</i>
ketamine	<i>Ketalar SV</i> ; cat Valiums, K, Special K, vitamin K	III/injected, snorted, smoked	<i>Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest</i>
PCP and analogs	<i>phencyclidine</i> ; angel dust, boat, hog, love boat, peace pill	I, II/injected, swallowed, smoked	<i>for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence/loss of appetite, depression</i>
<i>Hallucinogens</i>			<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—increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness,</i>

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

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

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

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

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

***Associated with sexual assaults.

Appendix B. Federal Trafficking Penalties

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

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

Federal Trafficking Penalties - Marijuana

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