

January 1, 2020 – December 31, 2020

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 Administration & Grants Management (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
Director of Counseling Services (Michael Washco)	(518) 861-2508
Title IX Coordinator (Victoria Battell)	(518) 861-2505
Life Threatening Emergency	911

ANNUAL SECURITY REPORT DISCLOSURE

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

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

To reach Security dial (518) 376-0690.

Maria College security maintains a close working relationship with the Albany Police Department (APD). Meetings are held between the leaders of these agencies on both a formal and informal basis. The 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 Administration & Grants Management
- 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 & Title IX Deputy Coordinators
- Director of Counseling 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 of Administration & Grants Management
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 of Administration & Grants Management 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 Administration & Grants Management 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 Administration & Grants Management . When the College is closed for an extended period, the College will admit only those with prior written approval from the Vice President of Administration & Grants Management 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 Administration & Grants Management, 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 Administration & Grants Management 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. See Maria College's full Sexual Misconduct Policy on page 38.
- 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. See Maria College's full Academic Integrity Policy on page 56.
- 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.
- Health & safety violations
 - Including but not limited to: refusal to abide by and/or purposeful non-compliance with federal, State, local, and/or institutional requirements relevant to the COVID-19 pandemic; and any act which is deemed by the College to pose a potential risk of harm to the health and/or safety of the Maria College community or to the public at large.
- 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 one's self or another in relation to College operations
- Making, sharing, posting, streaming, or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person in the academic college environment without consent
- 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 the 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 described below.

The Disciplinary Process is a formal grievance process which involves the College conducting an investigation and may require the reporting individual to attend a hearing before a panel of College officials. Students who wish to file a report but do not wish to participate in the College's formal Disciplinary Process may alternately pursue the College's informal resolution process, as described on the next page, or may choose to accept supportive measures from the College without participating in or pursuing action under either the formal or informal process.

Students can file a report regarding a potential or actual violation of the Code of Conduct by filing an incident report online at www.mariacollege.edu/about-maria/policies-procedures ('Student Code of Conduct'). Or in hard copy through the Office of the Dean of Students.

In the event of an incident related to sexual misconduct, an incident report should be filed online at www.mariacollege.edu/about-maria/policies-procedures/sexual-misconduct-policy or in hard copy through the Title IX Coordinator's Office (Mercy Hall). Hard copies of blank incident report forms are also available in the Office of the Dean of the College, the Office of the Dean of Students, Department of Student Affairs, 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—can be found on page 38 of this Student Handbook in the section entitled Sexual Misconduct Policy or online at <https://mariacollege.edu/about-maria/policies-procedures/sexual-misconduct-policy>. Students can also speak privately with one of the College's Title IX Officers, Andrew Ledoux (Coordinator-Students and Employees), Larissa Babbie (Deputy Coordinator-Students), or Rosalyn Vazquez (Deputy Coordinator-Employees).

Formal 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. For students who are under age 18, students' parents (or legal guardians) are entitled to submit an incident report on their

behalf. For students who are aged 18 or older, Maria College will accept reports from parents/guardians, however, the College is limited to communicating information to parents/guardians pertaining to student disciplinary matters only to the extent authorized by the student and/or as authorized by law.

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 in various circumstances, including but not limited to instances 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 by an appropriately trained individual 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 and appropriately trained 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. Either party is entitled to request arrangements that enable remote attendance via audio-video conferencing, if desired. For all hearings, Maria College is required by law to create either an audio-video recording or a transcript of the hearing proceedings.

- Important note considerations 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 during all portions of the hearing and may confer with their advisor before, during, and after proceedings. All participation by students and their advisors will be subject to Maria College's rules for hearing procedures and decorum. 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, including but not limited to their parents, a trusted faculty member of the College, or another trusted individual. 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. In all cases, service as an advisor by any Maria College faculty member is voluntary and at the discretion of the individual employee; while students are entitled to choose their advisors, faculty members are not obligated to serve as advisor for any individual if they prefer not to do so.
- For sexual misconduct matters, disciplinary hearings may involve parties and/or witnesses providing testimony and engaging in cross-examination of each other. In the event that any of the parties involved in hearing proceedings choose to engage in cross-examination of any other party or any witness, such cross-examination must be conducted by the party's advisor. Cross-examination is not permitted to be conducted by the student himself/herself. If, for some reason, a party's advisor is unable to attend any portion of a hearing which would or will involve cross-examination, Maria College will provide an advisor of the College's choice to the party for the purposes of conducting cross-examination. Students who are unable to identify an advisor or who become aware that their advisor is unable to attend cross-examination should notify the Title IX Coordinator as soon as possible. Aside from conducting cross-examination—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.

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 seven years. Parties are equally entitled to inspect and review the record of hearing proceedings in which they are involved.

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.

In the case of sexual misconduct matters, appeals may be made on the following bases:

- i. the occurrence of a procedural irregularity that could have affected the outcome of the hearing;
- ii. the availability of new and/or additional evidence which was not reasonably available previously and which could have potentially affected the outcome of the matter; and/or
- iii. the Title IX Coordinator, investigator, or decisionmaker(s) had a conflict of interest that could have affected the outcome of the hearing.

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. The following outcomes may also be considered, along with other options not listed here, as potential outcomes for the Informal Resolution Process. 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 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

Maria College is committed to promoting a learning and working environment where all members of the College community feel safe and respected. Acts of sexual misconduct are contrary to the College's educational mission and values, are harmful to others, and will not be tolerated by Maria College. This policy prohibits sexual violence, sexual harassment, sex discrimination, and other related offenses in all College programs and activities. Conduct prohibited by this policy may also violate federal and/or New York State laws enforced through the criminal justice system. Individuals are free to pursue action under this policy and through the criminal justice system simultaneously. Maria College takes seriously all reports of sexual misconduct and promises to promptly and fairly respond to all reports of misconduct in a manner intended to eliminate the misconduct, prevent its recurrence, and address its impact on affected individuals and the College community. All College proceedings conducted in regard to alleged violations of this policy will be done so in a timely and equitable process that provides adequate notice and a meaningful opportunity for all parties to be heard.

This policy sets forth:

- definitions of conduct that constitutes sexual misconduct;
- clear guidelines for all members of our campus and visitors on how to report incidents of sexual misconduct and other steps individuals may take if they either experience or are accused of an incident of sexual misconduct;
- rights, options, and resources available to both complainants and respondents;
- how Maria College plans to promptly respond to and investigate allegations of sexual misconduct, including taking steps to eliminate a hostile environment if one has been created and prevent the recurrence of future incidents of sexual misconduct;
- how Maria College is available to provide ongoing assistance and support to members of our campus who file complaints of sexual misconduct; and
- awareness and prevention information on sexual misconduct, including how Maria College disseminates our policies and implement training and educational programs for all College constituents.

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 Education Law 129-B. This policy applies to all College community members, including students, faculty, staff, administrators, other employees, volunteers, interns, and independent contractors. Vendors, outside 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, immigration status, or criminal conviction.

Maria College will receive, and address reports received from any individual, whether or not her/she is affiliated with the College, regarding the potential violation of this policy by a College community member. The prohibitions and protections in this policy apply regardless of whether the violation occurs on-campus or off-campus. Members of the Maria College community who are found to have committed sexual misconduct will be disciplined

appropriately and pursuant to College policy. The actions the College is empowered to take against an individual may vary or be limited when that individual is not a member of the Maria College community. Whenever a member of the College community is subjected to sexual misconduct, regardless of the status of the individual who committed it, Maria 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.

- Complaints against a Maria College student or staff or faculty member will be resolved by the procedures set forth in this policy. As long as the College has jurisdiction over a student who is the Accused or Respondent, there is no time limit to invoking this policy in cases of alleged sexual and gender-based misconduct. Nevertheless, persons are encouraged to report alleged sexual or gender-based misconduct as soon as possible to maximize the College's ability to respond promptly and effectively.
- Complaints against a third party/individuals not affiliated with Maria College may not be able to be resolved through the College's process. The College's ability to take appropriate corrective action against a third party will be determined by the nature of the relationship between the third party and the College. Regardless, all support resources and interim measures are still available to the Reporting Individual and every effort will be made to assist the Reporting Individual in filing a complaint against the responding person through the appropriate channels (i.e. police, current workplace, current institution they attend, etc.).

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

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 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 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 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:

Michael Washco, LMHC, CASAC
Director of Counseling Services
Mercy Hall
(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
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Negligent Manslaughter	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Sex Offenses, Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Sex Offenses, Non-Forcible	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Robbery	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Aggravated Assault	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Burglary	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Motor Vehicle Theft	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
	2014	0	0	0

Domestic Violence	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Dating Violence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Stalking Incidents	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Arrests: Drug Abuse Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Larceny	2020	0	0	0
	2014	0	0	0

	2015	0	0	0
	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

Hate Crimes: 2014, 2015, 2016, 2017, 2018, 2019, 2020: None

Maria College Geography

Geography definitions from Clery Act:

On-Campus

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

Maria College

700 New Scotland Avenue
Albany, NY 12208

On-Campus:

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

Non-Campus

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

Public Property

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

APPENDIX A: Commonly Abused Drugs

Substance: Category and Name	Examples of <i>Commercial</i> and Street Names	DEA Schedule* / How Administered**	<i>Intoxication</i> <i>Effects</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 <i>for GHB</i> —drowsiness, nausea/vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death <i>for methaqualone</i> — <i>euphoria</i> /depression, poor reflexes, slurred speech, coma
<u>GHB***</u>	<i>gamma-hydroxybutyrate</i> ; G, Georgia home boy, grievous bodily harm, liquid ecstasy	I/swallowed	
methaqualone	<i>Quaalude, Sopor, Parest</i> ; ludes, mandrex, quad, quay	I/injected, swallowed	
<i>Dissociative Anesthetics</i>			<i>increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting</i>
ketamine	<i>Ketalar SV</i> ; cat Valiums, K, Special K, vitamin K	III/injected, snorted, smoked	<i>Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest</i> <i>for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence/loss of appetite, depression</i>
PCP and analogs	<i>phencyclidine</i> ; angel dust, boat, hog, love boat, peace pill	I, II/injected, swallowed, smoked	
<i>Hallucinogens</i>			<i>altered states of perception and feeling; nausea; persisting perception disorder (flashbacks)</i> <i>Also, for LSD and mescaline—increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness,</i>
LSD	<i>lysergic acid diethylamide</i> ; acid, blotter, boomers, cubes, microdot, yellow sunshines	I/swallowed, absorbed through mouth tissues	

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

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

methamphetamine	<i>Desoxyn</i> ; chalk, crank, crystal, fire, glass, go fast, ice, meth, speed	II/injected, swallowed, smoked, snorted	malnutrition, panic attacks <i>for MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings</i> /impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity
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		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gm or more	Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
All other Schedule IV drugs	Any amount			

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

Federal Trafficking Penalties - Marijuana

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