



January 1, 2023 – December 31, 2023

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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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:

New York State Education Department, Room 981,
Education Building Annex
Albany, New York 12234
(518) 486-3633.

Non-Discrimination Policy

Maria College is a nonprofit, independent, coeducational institution which does not discriminate in its enrollment or employment practices for any reason including race, sex, color, national origin, creed, sexual orientation, mental or physical disability, or any other characteristic protected by state, federal or local laws and ordinances. Information about the services, activities and facilities accessible to students or prospective students with disabilities is available from the Office of Accessibility Services. Information about the services, activities and facilities accessible to employees or prospective employees with disabilities regarding the Americans with Disabilities Act may be obtained from:

Rosa Lyn Vazquez
Human Resources Manager
(518) 861-2580

Civil Rights Compliance

Civil Rights Compliance Officer
Manager of Human Resources
Maria College
700 New Scotland Avenue
Albany, NY 12208
(518) 861-2580
civilrightscomplaine@mariacollege.edu

New York Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
(646) 428-3900
OCR.NewYork@ed.gov

Important Phone Numbers

Security	(518) 376-0690
Title IX Coordinator.....	(650)383-4753 ext1
Vice President of Academic Affairs (Dr. Anne Jung).....	(518) 861-2532
Chief Student Affairs Officer (Dr. Wendy Trevor).....	(518)-861-2599
Compliance Officer (Karen Conrad).....	(518) 859-2529
Life Threatening Emergency.....	911

Annual Security Report Disclosure

The offices of the Registrar, Title IX Coordinator, Vice President of Academic Affairs, Chief Student Affairs Officer, Compliance Officer and Manager of Human Resources work cooperatively to create this report 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

The Campus Security Services desk is located in the Main Building, Security personnel are present in all campus buildings 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 Compliance Officer, the APD and the security services firm communicate regularly on the scene of incidents that occur in and around the College. The Compliance Officer 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 by calling (518)376-0690, 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 Compliance Officer investigate all reports and notify appropriate college personnel and, if necessary, the APD.

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

Campus Security Authorities

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

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

- President
- Vice President of Academic Affairs
- Vice President of Finance & Administration
- Chief Student Affairs Officer
- Compliance Officer
- Manager of Human Resources
- Campus Security Officers
- Title IX Coordinator & Title IX Deputy Coordinators

LIMITED VOLUNTARY CONFIDENTIAL REPORTING

Maria College encourages anyone who is the victim of or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, Campus Security cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified above. Note: In cases of sexual misconduct, the only confidential reporting source on campus is the Disabilities Services Coordinator and Mental Health Counselor. Other options for reporting these violations are provided under the “Maria College Title IX & Prohibited Sex Discrimination Policy” section of this report.

Emergency Notification

TIMELY WARNINGS

In the event a situation arises, either on or off campus, that, in the judgment of the President or their designee 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 their designee may consult with other members of the President’s Cabinet, Campus Security Authorities, and/or law enforcement to evaluate the nature of the situation (or crime, if applicable), immediate and/or continuing danger it presents to well-

being and safety of others, and impact it has on law enforcement efforts. Any warning issued will be through the Alertus system, and communicated via other available means as appropriate or needed. This warning will include information that will promote safety and may aid in the prevention of similar situations/crimes.

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

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

EMERGENCY NOTIFICATION SYSTEM (ENS)

Maria College employs the Alertus emergency mass notification system to inform students and employees of emergencies on campus. Once an incident is reported, the strategically placed wall-mounted Alertus Beacons provide textual, visual, and auditory notification regarding the type of emergency. In addition to the Beacons, the textual notification is displayed on the screens of all of the computers logged on to the campus network.



In addition to Alertus, Maria College also uses the Rave Mobile Safety mass notification system to notify students and employees via cell phone (email and/or text) that an emergency is occurring on campus.

EMERGENCY PROCEDURE AND RESPONSE

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

In a life threatening situation call **9-1-1**

In an emergency or to report an emerging situation contact Campus Security at **518-376-0690**

Provide your name and location

Do not hang up until told to do so

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 Compliance Officer.
4. Complete an incident report and give it to the Compliance Officer with a copy to the Chief Student Affairs Officer (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 their designee 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, inclusive of tenants, will be notified of any immediate threats regardless of building location.

Individuals who are responsible for determining the need for ENS activation: President's Direct Reports

Individuals who can activate ENS System:

President's Direct Report, member of the Emergency Response Team, Compliance Officer or 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, college postings and college email may be used to inform the college community of information regarding an emergency situation. If appropriate, radio and television alerts will be used by the Compliance Officer 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 Office for Information Technology.

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 for seven years.

ACCESS TO COLLEGE FACILITIES

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

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

The Compliance Officer, 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

In the event of a fire, the person discovering the fire:

- Extinguish only if you can do so safely and quickly

If the fire cannot be extinguished:

- Confine the fire by closing the doors

- Pull the nearest fire alarm

- Dial 9-1-1

- Alert others

- Call Campus Security at 518-376-0690

- Meet the fire department when they arrive

For occupants of the building:

- Close the doors to your immediate area.

- Evacuate the building via the nearest exit. Assist others as necessary.

- Do not use elevators.

- Avoid smoke filled areas.

For persons evacuating from the immediate fire area:

- Feel door from top to bottom. If it is hot do not proceed; go back.

- If door is cool, crouch low and open the door slowly. Close door quickly if smoke is present so you do not inhale it.

- If no smoke is present, exit the building via the nearest stairwell or exit.

- If you encounter heavy smoke in a stairwell, go back and try another stairwell.

For college personnel:

- Secure the scene

- Activate Emergency Management Team (EMT)

- Provide for medical care if needed

- Plan for relocation of building occupants

ACTIVE SHOOTER

In the event of an Active Shooter on campus:

If you are involved in a situation where someone has entered the area and started shooting, the following are a list of recommended actions:

RUN

- Exit the building immediately.

- Notify anyone you may encounter to exit the building immediately.

- Call 9-1-1.

- Give the 911 Operator the following information:

 - Your name

 - Location of the incident (be as specific as possible)

 - Number of shooters (if known)

 - Identification of shooter (if known)

 - Number of persons who may be involved

 - Your location

- Notify Campus Security at 518-376-0690

If you are directly involved and exiting the building is not possible, the following actions are recommended:

HIDE

Go to the nearest room or office.
Close the door, lock if possible.
Cover or blockade the door/ windows and shut off lights if time allows.
Keep quiet, silence cell phones, spread out, and act as if no one is in the room.
DO NOT answer the door.
Call 9-1-1.

Give the 911 operator the following information:

- Your name
- Location of the incident (be as specific as possible)
- Number of shooters (if known)
- Identification of shooter (if known)
- Number of persons who may be involved

Wait for the police to assist you out of the building. Always show hands open as to not pose a threat and listen to all their commands.

As a last resort: **FIGHT**

If you are trapped and an active shooter enters your area you will need to protect yourself and others.

Take action immediately!

- Throw anything at the shooter to cause a distraction
- Join others to tackle/immobilize shooter
- Restrain shooter until help arrives

Activate Emergency Management Team (EMT)

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 email safety@mariacollege.edu.

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; See Something, Say Something. Crime prevention at Maria College is based upon the dual concepts of eliminating or minimizing criminal opportunities and encouraging students and employees to be responsible for their own security and the security of others.

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

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

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

Campus Community Safety Awareness Programs and Activities: The College works collaboratively with community resources to sponsor a variety of programs and events to raise awareness about domestic violence, dating violence, stalking and sexual assault; Maria's community members are notified of and encouraged to participate in these activities. The College regularly provides employee training on its Sexual Misconduct Policy, and on recognizing and responding to sexual misconduct. The display monitors located in high traffic hallways on campus display safety information in a PSA format within the rotating images to increase awareness of those procedures.

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 Office of Facilities.

Architectural Design: Compliance Officer and Security Advisory Committee make 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.

Maria College Student Code of Conduct

Maria College expects that its students will act as responsible, courteous, and law-abiding citizens and will treat others and 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. This policy prohibits conduct set forth in Section Prohibited Conduct (below).

Scope of Policy

This policy applies to all non-Title IX Student Code of Conduct Violations and Academic Integrity. Please see the College's Title IX (Sexual Misconduct Policy) for reports that involve sexual misconduct allegations.

Maria College may investigate any alleged violation of the Policy that occurs in the context of a College program, or activity, or otherwise affects the learning environment. The College will review reports to determine whether the conduct occurred, or had continuing effects on campus, or whether the College otherwise has a substantial interest in the allegations. A substantial interest includes:

Any action that constitutes a criminal offense as defined by law;

Any situation in which it is determined that there is an immediate threat to the physical health or safety of any student or other individuals; or

Any situation that is detrimental to the educational interests, mission, or learning environment of the College.

Communication Regarding Conduct Matters

Students have the responsibility to respond promptly to all forms of communication regarding conduct matters. The Chief Student Affairs Officer or designee will communicate with students primarily through Maria College email account but can use phone calls, return receipt letters and certified letters. Failure to respond promptly to these types of communication may result in fines or additional sanctions.

Definitions

Reporting Individual/Party: Is the person who makes a report of Prohibited Conduct.

Responding Individual/Party: Is the person who is alleged to have engaged in Prohibited Conduct.

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

Conduct that does not meet the definitions below or that is not otherwise prohibited by this Policy may violate other College policies. In appropriate cases, the Chief Student Affairs Officer or designee may refer such conduct elsewhere within the College for resolution.

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

- Academic dishonestly: which includes, but is not limited to, plagiarism, cheating, misuse of academic resources or facilities, misuse of software, data, equipment or networks or any act that hinders the academic process.
- Academic and professional misconduct: which includes, but is not limited to, misuse of academic resources or facilities, behavior inside or outside of the classroom, misuse of software, data, equipment, or networks, or any act that hinders academic progress.
- Participating in any activity that disrupts or obstructs the normal operation of the college or its members, or inciting others to disrupt scheduled/ or normal activities. Specific examples include, but are not limited to the following:
 - Disruptive behavior
 - Insubordination to Faculty or Staff
 - Noise Violations
- Physical harm or threat of physical harm to any person(s). Specific examples include, but are not limited to the following:
 - Aggressive behavior
 - Physical violence which can include kicking, shoving, striking another person or attempting/ threatening to do the same.
- Harassment occurs if an individual engages in conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive, or persistent so as to interfere unreasonably with or limit the ability of another individual to participate in or benefit from the academic or other offerings of the College, or has the purpose of creating an intimidating or hostile environment. Harassment may include conduct that occurs based on race, color, ethnic, or national origin, religion, age, sexual orientation disability, or veteran status. Harassment can also include obscene, threatening behavior and/or verbal abuse.
 - Any unauthorized use of an image, electronic or other devices to make an audio or video record of any person that occurs in the context of a College program, or activity, or otherwise affects the learning environment without his or her knowledge or consent.
 - Conduct that threatens the mental or physical health and safety of any person(s). Specific examples include, but are not limited to the following:
 - ~ Endangering one's safety
 - ~ Endangering the safety of others
 - ~ Alcohol/drug use
 - ~ Inhaling or ingesting any substance that could alter a student's mental state or have a negative impact on a student's well-being
- Theft or damage to personal or institutional property or services. Examples include, but are not limited to the following:
 - Theft
 - Theft of services
 - Vandalism
 - Damage to property
 - Possession of stolen property
- Misuse of College identification cards, records, or documents, including forgery, alteration, or fabrication. Failure to comply/failure to act. Examples include but are not limited to the following:
 - Failure to comply with a directive of a College official, staff, faculty or representative

- Furnishing false information to a College official, staff, faculty or representative
- Intentionally reporting a false incident
- Unauthorized entry, use, or occupation of College facilities that are locked, closed or otherwise restricted. Examples include, but are not limited to the following:
 - Unauthorized use/misuse of keys
 - Trespassing
 - Unauthorized use of property
 - Providing unauthorized access
- False or bad faith allegations. Examples include but are not limited to the following:
 - Knowingly making a false complaint or report
 - Knowingly giving false information during a process outlined in this Policy.

Reporting Violations of Code of Conduct

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

Investigation/Allegation Review Process

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

Meeting with Reporting Party or Other Members of the College Community

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

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

Notification to Responding Party: If the Department of Student Life designee determines there is sufficient information or basis to support the complaint, the responding party will be notified in writing as to the receipt of the complaint, the opportunity to respond, and the need to meet with Hearing Board or Hearing Officer. The notification will also advise the student of the ability to request and engage in the informal resolution process prior to hearing.

Informal Resolution

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

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

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

Rights of Students Charged

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

The student shall be informed in writing of the date, time, and place of the hearing. The student shall be allowed a reasonable time to prepare for the hearing. The student may choose to waive the time period in order to expedite the hearing process. The student shall be able to speak on their own behalf, present witnesses, and to ask questions.

The student may review evidence, documents and reports pertaining to the allegation prior to the hearing by making an appointment, during regular hours with the Department of Student Life designee. The student may present additional evidence. Any additional evidence in form of pictures, documents, or written materials must be submitted to Department of Student Life designee for approval at least two (2) days before the hearing. Approval of additional evidence is at the discretion of the College.

The student may elect not to appear at the hearing. Absence shall be noted and hearing will be conducted in student's absence and a decision will be rendered. Where more than one student has been charged in the same alleged incident, the College maintains the right to conduct a group hearing, when it deems appropriate. In the event of a group hearing, each individual charged will have the opportunity to present to the board and to be questioned separately. All individuals charged will be present for the questioning of all witnesses. The responsibility of each individual charged in the incident will be determined separately.

Student Conduct Hearings

Violations of the student code of conduct can be heard by a hearing board or a hearing officer at the discretion of the College. A single hearing officer can be assigned when a case involves sanctions less than suspension or dismissal from the College. In instances where the sanction may result in suspension or dismissal from the College a hearing board comprised of three (3) or more member will be established.

Process for Conduct Hearings

The usual format for a hearing will be as follows:

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

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

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

Sanctions

When a student accepts responsibility or is found responsible for a policy violation as an outcome of a hearing, the Department of Student Life designee, determines an appropriate sanction. A student found

responsible for violating College policy may receive one or more sanctions tailored to the violation(s). Individual circumstances, as well as aggravating factors, such as past misconduct by the student, or failure to comply with previously imposed sanctions, shall be considered when determining the level and scope of the sanction.

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

No Consequences/Sanctions

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

Disciplinary Probation: Disciplinary probation is issued to a student for a specific period of time. This is more serious than a warning. It is a period of review during which the student must demonstrate the ability to comply with College policies. Students who violate their probation may face sanctions more punitive in nature.

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

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

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

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

Appeal Procedures for Student Conduct Proceedings

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

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

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

Maria College Title IX & Prohibited Sex Discrimination Policy

I. INTRODUCTION:

A. Purpose of This Policy

This policy identifies and defines conduct prohibited under this policy and the procedures and process that will be used to respond to allegations of Prohibited Conduct.

Maria College (the College) will act on all notices of allegations of sex discrimination or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the College provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with state and federal law.

Situations involving other conduct that may be in violation of other student or employee conduct policies should be reported to Student Affairs for matters involving students, or Human Resources for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to Campus Safety.

B. Statement of Nondiscrimination

Maria College does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, the College does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. When brought to the attention of the College, sex discrimination will be appropriately addressed by the College according to the procedures below, and discrimination on the basis of any other protected category will be addressed in accordance with applicable student or employee policies.

The protections in this policy apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

C. Title IX of the Education Amendments of 1972

Maria College does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, the College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

The College has obligations under Title IX to provide certain supports and modifications to people experiencing pregnancy or related conditions in order to ensure their equal access to the College's program or activity. For example, the College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence.

Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants may also contact Human Resources for more information, because additional workplace laws and policies apply.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the College's policy.

D. Application of Section 504/Americans with Disabilities Act to this Policy

In both practice and policy, Maria College adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The College is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of campus life.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a grievance procedure. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other College programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Office of Accessibility Services (for students) or Human Resources (for employees) to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.

E. To Whom This Policy Applies

This policy applies to the entire Maria College community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus (including study abroad), and third parties such as guests, visitors, vendors, volunteers, invitees, board members, and alumni when they are on campus or participating in College sponsored activities. This policy may also pertain to instances in which the conduct occurred outside of the campus or College sponsored activity if the College determines that the off-campus conduct affects a substantial College interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the College community on the basis of sex is in violation of this policy.

Members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Any respondent who is not a College student, faculty member, or staff member is generally considered a third party. The College's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the College. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office.

The status of a party may impact which resources and remedies are available to them, as described in this policy.

F. Academic Freedom

The College is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane, but controversial or sensitive subject matters protected by academic freedom.

Members of the College community are free to express their views on any academic subject — regardless of whether those viewpoints are provocative or controversial. Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual's speech or other communication, the College will take care to distinguish between protected speech and hostile environment harassment. The Title IX Coordinator will take action as needed to re-store or preserve a person's access to the College's education program or activity.

G. Student Bill of Rights

All Maria College students have the right to:

- Make a report (or decline to report) to local law enforcement and/or state police;
- Have disclosures of Sexual Assault, Domestic Violence, Dating Violence, and Stalking and all other forms of Prohibited Conduct treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the complaint resolution process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from Maria College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few representatives of Maria College as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by Maria College, any student, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an Advisor of choice who may assist and advise a Complainant or a Respondent during any meetings and hearings under the Policy and procedures; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or complaint resolution process of Maria College.

II. PROHIBITED CONDUCT:

This policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy.

A. Discrimination on the Basis of Sex

Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

B. Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-Based Harassment includes the following:

1. Quid pro quo harassment: An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

2. Hostile environment harassment: Consistent with state law, hostile environment sex-based harassment is a form of sex discrimination and a form of discriminatory harassment. Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, sexual comments, physical or visual conduct of a sexual nature, and sharing or displaying sexual images constitute sex-based harassment.

This includes when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular, or campus life activities; or Submission to or rejection of such conduct by an individual is used as the basis for academic, student life, or employment decisions affecting that individual; or
- Such unwelcome conduct is intentional or serves no legitimate purpose; or
- It involves unwelcome contact with parts of another individual's body which may cause that person to feel degraded or abused; or
- The unwelcome behavior is for the purpose of gratifying the actor's sexual desire; or
- The unwelcome conduct constitutes more than "petty slights or trivial inconveniences"; or
- Such unwelcome conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.

The following describes acts that may be unlawful sex-based harassment and are strictly prohibited:

- Unwelcome touching, pinching, patting, grabbing, brushing against another's body;
- Subtle or obvious pressure for unwelcome sexual activities;
- Unwelcome requests for sexual favors accompanied by implied or overt threats concerning performance evaluations, promotion, etc.;
- Unwelcome images, texts, social media posts, or other images or materials that are sexually demeaning or pornographic (this does not include images shown solely for the purposes of academic instruction or research); or
- Unwelcome sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment

NYS workplace sexual harassment can take a variety of forms. Examples include, but are not limited to:

- Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- Non-consensual sexual intercourse or other sexual contact;
- Coercive behavior, unreasonable pressure, or manipulation to compel a person to engage in sexual activity;
- Threats or insinuations that a person's employment, wages, promotional opportunities, work assignments, academic grade, classroom assignments, or other conditions of employment or academic or other collegiate life may be adversely affected by not submitting to sexual advances;
- Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading

language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls, mail, or email;

- Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed on the work or study area, if not used solely for a legitimate educational purpose;
- Non-consensual touching, grabbing, groping, pinching, or other physical contact;
- Spreading sexual rumors; distributing intimate or sexual information about another person;
- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person;
- Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person.

3. Sexual assault: an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:

- Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

4. Dating violence: violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors: o The length of the relationship; o The type of relationship; and o The frequency of interaction between the people involved in the relationship. Emotional and psychological abuse do not constitute violence for the purposes of this definition.

5. Domestic violence: felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

6. Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

7. Sexual Coercion: The application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

8. Sexual Exploitation is the abuse or exploitation of another person's sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation

of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.

C. Retaliation:

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing, and to any student who refuses to participate in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

D. Consensual Relationships – Fraternalization Policy

In an effort to promote efficiency of operations, improve productivity and morale, avoid conflict of interest, prevent favoritism and bias, and provide the best service to our students, no person in a management or supervisory position shall have an intimate, sexual or romantic relationship with a subordinate (direct or indirect reporting relationship) at the College. This policy applies to ALL employees of the College. Further, this shall also apply to relationships between faculty and students.

- Any manager or supervisor shall not fraternize with an employee whom they supervise or whose terms and conditions of employment they may influence are required to bring this to the attention of Human Resources immediately.
- Any faculty member or staff member shall not fraternize with any student with whom they teach or whose academic career they may influence, control or impact.
- Maria College will try to place necessary and reasonable measures to avoid an actual or apparent conflict of interest. The supervisory employee may be demoted or reassigned to remove the supervisor-subordinate conflict.
- In the event no suitable accommodation can be arranged, it may be necessary for one of the individuals in the dating relationship to be assigned a new position at the College. The individuals involved in the dating relationship will be given the opportunity to determine which person will move. If no decision can be made, the College will make arrangements to reassign the manager/supervisor.

Maria College reserves the right to assess current situations where a potential conflict of interest may exist. These situations will be looked at on a case-by-case basis by Human Resources.

III. TITLE IX COORDINATOR:

Maria College is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the College's response, investigation, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with

independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any Student, Employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

Dr. Bill Boerner
Title IX Coordinator
700 New Scotland Avenue
Albany, NY 12208 titleix@mariacollege.edu
650-383-4753 ext. 158

Rosalyn Vazquez
Deputy Title IX Coordinator
700 New Scotland Avenue
Albany, NY 12208 rvazquez@mariacollege.edu
518-861-2580

Karen Conrad
Deputy Title IX Coordinator
700 New Scotland Avenue
Albany, NY 12208 kconrad@mariacollege.edu
518-861-2529

A. Delegation of Duties Under This Policy

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator may be designated as appropriate by the College, including to external professionals.

B. Conflicts of Interest or Bias

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Senior Associate Vice President of Academic and Student Life who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decision maker, or Appeal Panel Member have a conflict of interest, the Investigator, Decision maker, or Appeal Panel Member is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

IV. REPORTING HARASSMENT AND DISCRIMINATION

A. Employee Reporting Obligations

Maria College believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination. All employees, with limited exceptions as identified by the College, are required to promptly provide to the Title IX Coordinator all complaints or reports of sex discrimination, including sex-based harassment, and all complaints or reports of discrimination and harassment to the Title IX Coordinator and share all information reported or made available to the employee.

Researchers conducting IRB-approved human subjects research study designed to gather information about sex discrimination are not required to report to the Title IX Coordinator disclosures made in the course of that study.

The College also encourages employees who themselves experience sex discrimination to bring their concerns to the Title IX Coordinator, though they are not required to do so.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with the College's FERPA requirements.

In addition, certain members of the College community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at the College or sponsored by the College are required to report immediately to the NYS Maltreatment Hotline if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. If there is suspected abuse or maltreatment of a minor on campus, contact the College's Campus Security at (518) 376-0690, the Title IX Coordinator, and call the NYS Child Maltreatment Hotline at 800-342-3720.

B. Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, the College will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to Campus Safety when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

C. Coordination Among Multiple Institutions

When such conduct involves students or employees from two or more institutions, such institutions may work collaboratively to address the conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act.

D. Public Awareness Events

Employees are required to report to the Title IX Coordinator information about sex discrimination or harassment they learn about at public awareness events such as at "Take Back the Night" or other similar programs. The Title IX Coordinator will outreach directly to any identified complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform, especially when there is an imminent and serious threat to someone's health or safety. The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases the College must use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

E. How to Make a Report to the College

All complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with the College and/or local law

enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, the College will give consideration to the party bringing forward a report with respect to how the matter is pursued. The College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the College not initiate an investigation.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

Dr. Bill Boerner
titleix@mariacollege.edu
Reporting Form Website: Office of Title IX

There is no timeline for making a report of harassment or discrimination under this policy, however, the College encourages the prompt reporting of a complaint as the ability of the College to pursue the complaint to conclusion may be hindered by the passage of time. Additional information about reporting matters involving conduct by an employee may be found by contacting Human Resources at rvazquez@mariacollege.edu.

F. Policy for Alcohol and/or Drug Use Amnesty for Students

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence stalking, or sexual assault to the College's officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct. Under this Amnesty provision, personal drug use and possession, whether it is intentional or accidental, will not form the basis of student disciplinary charges. A bystander is someone who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

G. Privacy and Confidentiality

The College values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean College offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While the College will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, the College cannot, and does not, guarantee that all information related to complaints will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a hard copy of materials, and the College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this policy. Nothing in this policy prohibits parties from discussing or disclosing the outcome of the matter, consistent with the prohibition on retaliation.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate the College's policies against harassment and discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

The College has employees who are not required to report information about sex discrimination to the Title IX Coordinator:

- Privileged and confidential employees whose communications are privileged or confidential under Federal or State law. The employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. For example, physicians, clergy, and mental health counselors are all confidential employees. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to the College without the expressed permission from the individual disclosing the information.

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused.

A list of Confidential and Non-Confidential resources may be found in section XII of this policy.

H. Protective Orders

The College's Campus Safety, if applicable, or other officials will assist members of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order from any state or federally recognized tribal court. If the College receives an order of protection or equivalent, an institution representative or other appropriate person will reach out and provide a copy of the order. Upon request they can also provide an explanation of the order, including the consequences for violating these orders, and answer questions about it. Campus Security will provide assistance in effecting an arrest when an individual violates an order of protection.

I. Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and Maria College policy. The College encourages students to report alleged crimes promptly to local law enforcement agencies and/or state police. All persons have the right to file with law enforcement, as well as the right to decline to file with law

enforcement. The decision not to file shall not be considered as evidence that there was not a violation of College policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to the College as well as to law enforcement, the College may delay its process if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. These temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and hearings under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of the College community or the safety of the College as an institution is threatened, any individual with such knowledge should promptly inform Campus Safety. The College may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the College community and the College as an institution.

J. Emergency Access to Information & Resources

At any time, one of the following resources trained in interviewing victims of sexual assault will be available to provide information about options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. These individuals will also explain whether they are authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options:

- Title IX Coordinator: Dr. Bill Boerner, titleix@mariacollege.edu, 650-383-4753 ext. 158
- Albany County Crime Victims and Sexual Violence Center: 518-447-7716
- Equinox Domestic Violence Services: 518-432-7865

V. RESPONDING TO A REPORT

The following process will be used following the receipt of a report of sex discrimination.

A. Initial Contact

- Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant to meet with the Title IX Coordinator (or their designee) for an initial intake and assessment meeting, and will provide the following:
 - An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
 - Access to this policy;

- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- The right to an advisor of choice during College proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited;
- Ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet and discuss the resources and options, including information about STI's, forensic exams, and resources available through NYS Office of Victim Services; and
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

B. Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

C. Requests for Confidentiality or No Further Action

When a complainant requests that the Complainant not use their name as part of any resolution process, or that the College not take any further action, Maria College will generally try to honor those requests. However, there are certain instances in which the College has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint were not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

5. The age and relationship of the parties, including whether the respondent is an employee of the College, or whether the impacted person is a minor;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
8. Whether the College could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures under this policy;
9. Whether the accused has a history of violent behavior or is a repeat offender;
10. Whether the incidents represent an escalation on the part of the person accused;
11. Whether the accused used a weapon or force;
12. Whether available information reveals a pattern of perpetration at a given location by a particular group; and
13. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity.

D. Emergency Removal

For sex discrimination and sex-based harassment, Maria College retains the authority to remove a respondent from the College's program or activity on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) the College provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. The Title IX Coordinator will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For all other Prohibited Conduct, the College may defer to its interim suspension policies for students and administrative leave for employees.

E. Administrative Leave

The College retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with applicable law. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

F. Dismissal of a Complaint

Before dismissing a complaint, Maria College will make reasonable efforts to clarify the allegations with the complainant. The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by Maria College;
- The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint.

- The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision making process under these procedures, the Title IX Coordinator will include that information in the notification.

The College will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that discrimination does not continue or recur within the College’s education program or activity.

A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

G. Referrals for Other Misconduct

Maria College has the discretion to refer complaints of misconduct not covered by this policy for handling under any other applicable College policy or code. As part of any such referral for further handling, the College may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from the College’s student disciplinary processes, by which the College may bring a discipline charge against a student for violating College policy according to the provisions found in the Academic Catalog – Student Code of Conduct.

H. Consolidation of Cases

Maria College may consolidate complaints under this policy as appropriate: for example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

The College also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Affairs and

Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

I. Student Withdrawal or Employee Resignation while Matters are Pending

If a student or employee respondent withdraws or resigns from Maria College with unresolved allegations pending, the College will consider whether and how to proceed with the resolution process. The College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with the College and the records retained by the Title IX Coordinator will reflect that status. All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

VI. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a complaint or report of harassment and discrimination. Whenever possible, the College will utilize the resolution method chosen by the complainant. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in the College's programs, services and activities during the resolution of the complaint.

This section includes information on three resolution options: (A) Support-Based Resolution, (B) Agreement-Based Resolution, and (C) Formal Resolution, which may include an investigation only based process, or an Investigation and Hearing based process.

A. Support- Based Resolution

A support-based resolution is an option for a complainant who does not wish the College to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include, but are not limited to, adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to the College and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue a Resolution Agreement or type of Formal Resolution.

B. Agreement-Based Resolution

Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity.

Any party may design a proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties.

Agreement-Based Resolution may be initiated at any time prior to the release of the final determination should the matter be resolved via Formal Resolution. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a respondent violated this policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the Formal Resolution process if appropriate.

1. Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Agreement-Based Resolution process;
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Maria College could disclose such information for use in a future College grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy, unless respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 business days' notice;
- Information regarding Supportive Measures, which are available equally to the parties; and
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

2. Facilitating an Agreement

If all parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the Formal Resolution process as appropriate. The Title IX Coordinator will inform the Parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. An Investigator or Decision maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments;
- an agreement that the Parties will not communicate or otherwise engage with one another;
- an agreement that the Parties will not contact one another;
- completion of a training or educational project by the respondent;
- completion of a community service project by the respondent;
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the Formal Resolution and adjudication proceedings.

3. Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate. Any violations of the terms of the Resolution Agreement may result in disciplinary action.

C. Formal Resolution: Investigation & Decision-making Resolution

This policy includes two types of investigation and decision-making procedures for Formal Resolution:

- **Resolution Process A:** utilized for Formal Resolution adjudication of all prohibited conduct matters except for sex-based harassment involving a student as a party;
- **Resolution Process B:** utilized for Formal Resolution adjudication for sex-based harassment involving a student as a party.

The following information applies to both types of Formal Resolution Processes:

Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator and/or Decision-maker

The College will assign a trained investigator and/or Decision-maker to conduct an adequate, reliable, and impartial investigation and hearing, if applicable, in a reasonably prompt timeframe. The College reserves the right to utilize internal or external investigators, Decision-makers, or hearing officers.

All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and

evidence, and to review the evidence gathered by the investigator prior to the investigator providing the final report to the Decision-maker. In cases where there is a hearing, all parties have the same rights at the hearing, including the right to review any evidence that will be considered by the Decision-maker prior to the hearing.

The investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

Conflict of Interest or Bias

After a Notice of Investigation is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the Vice President of Student Affairs. Objections to the appointment of the investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

Timeline

In those cases that do not include a hearing, the College strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation. In those cases that include a hearing, the College strives to complete the investigation process within sixty (60) days from the date of the Notice of Investigation and complete the hearing within sixty (60) days of the Notice of Hearing.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

The College shall not unreasonably deny a student request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Burden and Standard of Review

Maria College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the College and does not indicate responsibility. The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

Written Notice of Meetings

Maria College will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an investigator, the investigator will ask questions related to the allegations in the complaint and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- Evidence provided to an employee designated by the College as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.
- In matters of sexual assault, domestic violence, dating violence, and stalking, all parties have the right to exclude their own prior sexual history with persons other than the other party in the investigation and decision-making process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. The limit does not exclude evidence of prior sexual history with the other party in the investigation that is relevant to an allegation or defense of an allegation.

Expectations of Decorum in all proceedings

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable rules. Decorum expectations include the following:

- Individuals participating in the resolution process are expected to maintain decorum and abide by any expectations detailed in this policy or provided by the Investigator, Decision Maker, or Title IX Coordinator. These expectations are applied equally to all parties and advisors.
- Questions must be conveyed in a neutral tone;

- Parties and Advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning;
- No party may act abusively or disrespectfully toward any other party, witness, Investigator, or any other resolution process participant;
- Parties may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact, they may not include accusations within the text of the question;
- Parties and advisors may take no action that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.
- No unauthorized audio or video recording of any kind is permitted during any proceeding or meeting. If the Investigator or Title IX Coordinator elects to audio and/or video record interviews, meetings, or proceedings, all involved parties must be made aware of audio and/or video recording.

1. Resolution Process A: Investigation & Decision-making Procedures for All Prohibited Conduct Except Sex-Based Harassment Involving a Student Party

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy except for sex-based harassment involving a student as a party.

The College will assign a trained investigator to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. The College reserves the right to utilize internal or external investigators.

All parties have the option to participate in the investigation and/or hearing, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator prior to the investigator's making any findings. In the event of a hearing, all parties have the same rights, including the right to review any evidence gathered by the investigator prior to the investigator making any findings.

Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

- Maria College's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
- The specific allegations, including the identity of the parties, and dates and location if known;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- A statement that Retaliation is prohibited;
- Contact information for the assigned investigator, as well as the process for raising a challenge to the appointed investigator or Title IX Coordinator, and the deadline for doing so;
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- Whether the Investigator, or another individual, shall serve as the Decision maker.
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decision-making procedures. Prior to

such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence.

- The parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that the College prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, with a link to the relevant policy(ies).
- The date and time of the initial interview with the investigator, with a minimum of five (5) business days' notice.

Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings and may be subject to further College discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option.

Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, the College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) business days to inspect and review the evidence and submit a written response in writing to the investigator. The College will provide access to copies of the parties' written responses to the investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have five (5) business days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigation report.

Impact Statements

Following the investigation, the parties will be offered an opportunity to provide written impact statements to the Title IX Coordinator. The Title IX Coordinator will share the impact statements, if submitted, with the parties and their advisors; however, the parties may not respond or provide any comments to the submitted impact statements. The Title IX Coordinator will only provide the impact statements to the investigator if there is a finding of responsibility for Prohibited Conduct to support sanctioning decisions. Impact statements will not be considered by the investigator when reaching a determination of responsibility.

Investigation Report

The investigator, who will also serve as the Decision-maker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the policy occurred. The investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible or declined to participate. The investigator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions.

The investigator shall prepare a report which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
- An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
- Findings of fact for each allegation, with rationale;
- Conclusions regarding which section of this policy or other College policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator. In the event that the investigator has determined that a violation of College policy has occurred, they will then make a recommendation for the sanction with support from the Title IX Coordinator. The Title IX Coordinator shall then determine the appropriate remedy(ies) for the complainant and any impacted parties. Past findings of responsibility relating to this Policy, or any other College Policy are admissible in the sanctioning stage only. The investigator's sanction recommendation will be identified to the appropriate appointing authority for employees, and the Vice President of Academic Affairs for students to determine the final sanction.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions the College imposed on the respondent;
- A statement as to whether remedies will be provided to the Complainant;
- For the complainant, a description of any remedies that apply to the complainant;
- The College's procedures and the permitted reasons for the parties to appeal, including identifying the Appeal Panel;
- How to challenge participation by the Appeal Panel for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

2. Resolution Process B: Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Involving a Student Party

The following describes the investigation and decision-making procedures for matters of sex-based harassment in which a student is either a complainant or respondent, regardless of the status of the other party.

Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

- Maria College's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
- Information about the agreement-based resolution process, with a link to the full procedures;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the specific type of Prohibited Conduct alleged under the policy, and the date(s), time(s), and location(s) of the alleged incident(s);
- A statement that retaliation is prohibited;
- Whether the investigator, or another individual, shall serve as the Decision-maker;
- Expected length of the major stages of the resolution process, as well as any applicable deadlines;
- The Notice will inform the parties that the investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s);
- The process for raising a challenge to the appointed investigator or Title IX Coordinator, and the deadline for doing so;
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-maker. Should the respondent be found responsible, possible sanctions may include suspension or expulsion from the College.
- A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence. The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party;
- Information that the College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during grievance procedures; and
- The date and time of the initial interview with the Investigator, with a minimum of five (5) business days' notice.

Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the grievance process and may be subject to further College discipline for failure to do so.

The investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable College rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option. The investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator may conduct follow-up interviews as they deem appropriate.

Investigator Determination of Relevance

The investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered.

Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision-maker. Given the sensitive nature of the information provided, the College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who

fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of five (5) business days to inspect and review the evidence and submit a written response in writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator, the investigator shall then conduct any additional fact gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have five (5) business days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigation report.

Determination and Investigation Report

The investigator will prepare a written report summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.

Conclusion of Investigation, Notice of Hearing

Once the investigation report is final, the report together with all attachments shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) business days to provide a response. The response, if any, shall be provided to the Decision-maker/Hearing Officer and shared with the parties and their advisor, if applicable.

Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Decision-maker/Hearing Officer, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Decision-maker/Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within three (3) business days of receipt of the Notice of Hearing, either party may object to the Decision-maker/Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Decision-maker/Hearing Officer and appoint another.

Hearing Procedures

The purpose of a hearing is for a Decision-maker/Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The College expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

The College will appoint a Decision-maker/Hearing Officer, who may be the same person as the Title IX Coordinator or investigator, who will determine whether a violation of College policy has occurred. The Decision-maker/Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Decision-maker/The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the College and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the College but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Decision-maker/Hearing Officer, and Appeal Panel by contacting the Title IX Coordinator.

Prior to the Hearing

The parties and the Hearing Officer all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) business days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The Decision-maker/Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Decision-maker/Hearing Officer may instead send the case back to the investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Decision-maker/Hearing Officer will be provided to the parties at least three (3) business days prior to the hearing.

Three (3) business days prior to the hearing, each party shall submit to the Decision-maker/Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Decision-maker/Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Decision-maker/Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decision-maker/Hearing Officer must give a party an opportunity to clarify or revise any question that the Decision-maker/Hearing Officer has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Advisor

Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing. In the event that a party does not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

Hearing Participation Guidelines

The Decision-maker/Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Decision-maker/Hearing Officer removes an advisor, the Decision-maker/Hearing Officer will have the discretion to appoint another advisor for the remainder of the hearing. The Decision-maker/Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Decision maker/Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

Statements, Questioning and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Decision-maker/Hearing Officer will call parties and witnesses for questioning. The order of questioning shall be determined by the Decision-maker/Hearing Officer. The Decision-maker/Hearing Officer will pose questions to the parties and witnesses including the questions the Decision-maker/Hearing Officer approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Decision-maker/Hearing Officer for the Decision-maker/Hearing Officer to pose to the other party or witnesses. If the Decision-maker/Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Decision-maker/Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Decision-maker/Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

Impact Statements

Following the hearing, the parties will be offered an opportunity to provide written impact statements 24 hours after the conclusion of the hearing to the Title IX Coordinator. The Title IX Coordinator will share the impact statements, if submitted, with the parties and their advisors; however, the parties may not respond or provide any comments to the submitted impact statements. The Title IX Coordinator will only provide the impact statements to the Decision-maker/Hearing Officer if there is a finding of responsibility for Prohibited Conduct to support sanctioning decisions. Impact statements will not be considered by the Decision-maker/Hearing Officer when reaching a determination of responsibility.

Hearing Officer's Report

Following the hearing, the Decision-maker/Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness. In the event the Decision-maker/Hearing Officer makes a determination of responsibility their sanction recommendation(s) will be identified to the appropriate appointing authority for employees, and the Vice President of Academic Affairs for students to determine the final sanction. Past findings of responsibility relating to this Policy or any other College Policy are admissible in the sanctioning stage only.

The determination report will include:

- A description of the sex-based harassment;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Decision-maker/Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction recommendation, if applicable; • Whether remedies will be provided;
- The procedures for an appeal.

The Decision-maker/Hearing Officer's report shall be provided to the Title IX Coordinator. The Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Decision-maker/Hearing Officer's report, to the parties, together with procedures for appeal. The Title IX Coordinator will also provide written communication to the complainant regarding any appropriate remedies in the event of a finding of responsibility.

VII. SANCTIONS

One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of the College's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator. If found not responsible, no further action taken regarding the complaint.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable College rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous grievances or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, or retaliation.
- The need to remedy the effects of the discrimination, harassment or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Employees found responsible for violating this policy may be referred to the appropriate College official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Reprimand or warning;
- Changing the Respondent's work or academic schedule;
- Disciplinary probation;
- Revocation or withholding of honors or awards, or a degree;
- Community service and/or training;
- Restricting the Respondent's access to College facilities or activities;

- Issuing a no-contact order or requiring that such an order remain in place;
- Suspension (limited time or indefinite);
- Expulsion; and/or
- Other actions deemed appropriate by the College.

Possible sanctions and disciplinary steps for employee respondents include, but are not limited to:

- Reprimand or warning;
- Changing the Respondent's work schedule;
- Disciplinary probation;
- Revocation of honors or awards;
- Community service and/or training;
- Restricting the Respondent's access to College facilities or activities;
- Issuing a no-contact order or requiring that such an order remain in place;
- Dismissal from, restricting, or reassignment of College employment;
- Suspension (limited time or indefinite);
- Forfeiture of a benefit, honor, leadership position, or other privilege enjoyed by virtue of the person's membership as adjunct faculty, staff, or administration;
- Reassignment of College employment;
- Administrative leave during the pendency of processes outlined in this policy;
- Termination; and/or
- Other actions deemed appropriate by the College.

The sanctions available for students or employees who have been found responsible under the following specific forms of prohibited conduct are limited to the following:

Sexual Assault:

- Expulsion or Termination.
- Suspension for 1, 2, 3, 4, 5, 6, 7, or 8 semesters or for employees for a designated period of time.
- Restricting the Respondent's access to College facilities or activities.
- Dismissal from or restricting reassignment of College employment.
- Assignment of educational program and/or training.

Domestic Violence:

- Expulsion or Termination.
- Suspension for 1, 2, 3, 4, 5, 6, 7, or 8 semesters or for employees for a designated period of time.
- Restricting the Respondent's access to College facilities or activities.
- Dismissal from or restricting reassignment of College employment.
- Assignment of educational program and/or training.
- Disciplinary probation.

Dating Violence:

- Expulsion or Termination.
- Suspension for 1, 2, 3, 4, 5, 6, 7, or 8 semesters or for employees for a designated period of time.
- Restricting the Respondent's access to College facilities or activities.
- Dismissal from or restricting reassignment of College employment.
- Assignment of educational program and/or training.
- Disciplinary probation.

Stalking

- Expulsion or Termination.
- Suspension for 1, 2, 3, 4, 5, 6, 7, or 8 semesters or for employees for a designated period of time.
- Restricting the Respondent's access to College facilities or activities.
- Dismissal from or restricting reassignment of College employment.
- Assignment of educational program and/or training.
- Disciplinary probation.

VIII. APPEALS

Determinations may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to an assigned Appeal Panel (3 panelists) to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) business days following the issuance of the outcome letter.

When an appeal is filed with the Title IX coordinator, the other party shall be notified and provided with a copy of the filed appeal within one (1) business day and have five (5) business days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) business days of an Appeal Panel being assigned, either party may provide written objection to any member of the panel on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another member to the panel.

Appeals may be filed only on the following grounds:

1. **Procedural Error:** A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.
4. **Unreasonable Sanction.** The sanction is objectively unreasonable in light of the facts and circumstances and is disproportionate to the conduct committed.

The Appeal Panel will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Panel's decision to the Parties. The decision of the Appeal Panel is final.

A. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by the College. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred for a potential violation of the Student Code of Conduct.

B. Transcript Notation

Maria College has a policy of making a notation on a transcript related to outcomes for crimes of violence as defined by the Clery Act. Upon conclusion of any appeal process, a transcript notation will be indicated on the respondent's record for cases resulting in suspension, expulsion or in cases where the respondent withdraws from the College during the investigation and decision-making process. Notations on transcripts will be indicated as follows:

- "suspended after a finding of responsibility for a code of conduct violation"
- "expelled after a finding of responsibility for a code of conduct violation" or
- "withdrew with conduct charges pending."

Transcript notations for a student who is suspended or who chooses to withdraw with a pending investigation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Vice President of Academic Affairs.

Transcript notations for students expelled are permanent and cannot be removed.

If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

IX. RECORD RETENTION

In implementing this policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable College records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

X. ADDITIONAL ENFORCEMENT INFORMATION

An individual who has experienced harassment or discrimination may file a report/complaint with the College only or may also file a report/complaint with an external enforcement agency. Filing a report/complaint internally with the College does not extend the time to file with an external enforcement agency or in court. One does not need an attorney and there is no cost to file a complaint with the following external agencies:

The U.S. Equity Employment Opportunity Commission (EEOC) – investigates reports of unlawful discrimination and harassment in employment.

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 1-800-421-3481
Fax: 202-453-6012

TDD: 1-800-877-8339

Email: OCR@ed.gov <https://www.eeoc.gov/contact-eeoc>

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

Office for Civil Rights, New York Office

U.S. Department of Education

26 Federal Plaza, Suite 31-100

New York, NY 10278-9991

Telephone: 646-428-3800

Fax: 646-428-3843, TDD: 800-877-8339

Email: OCR.NewYork@ed.gov

The New York State Division of Human Rights supports complaints related to employees in New York State regarding sexual harassment and protects employees and covered non-employees regardless of immigration status.

NYS Division of Human Rights - Albany

Agency Building 1, 2nd Floor, Empire State Plaza

Albany, NY 12220

Telephone: 518-474-2705 or 518-474-2707

Email: Info.Albany@dhr.ny.gov

Website: www.dhr.ny.gov

XI. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining those changes to law, regulation, or best practices require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Maria College website.

XII. KEY DEFINITIONS

A. Involved Party Definitions

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. The College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, advisors shall not participate directly in the process. The College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

Complainant: Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in a Maria College program or activity at the time of the alleged misconduct.

Decision-maker: Trained professional designated by the College to decide responsibility, sanction, or appeals. A Decision-maker may be one person, or a panel of multiple people as determined by the College. When there is no hearing, the investigator may be appointed as the Decision-maker.

Employee: Any individual performing services for the College as a w-2 employee, which shall include faculty, adjunct and clinical faculty, full-time and part-time staff, part-time seasonal and temporary employees.

Party/parties: Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Student: Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other service that requires student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the College.

B. Conduct Information Definitions

Consent, Incapacitation, Force, and Coercion:

Consent Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance does not in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under this policy, the College will consider whether a respondent knew or should have known the

complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment.

Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Sexual activity shall have the same meaning as “sexual act” and “sexual contact.” The term “sexual act” means— A. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; B. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; C. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or D. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

Complaint: A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under this policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX Office website, or as described in this policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting discrimination or harassment under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Education Program or Activity: Maria College’s “education program or activity” includes all campus operations, including off-campus settings that are operated or overseen by the College, including, for example, field trips, online classes, and athletic programs; conduct subject to the College’s disciplinary authority that occurs off-campus; conduct that takes place via College-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the College. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Finding: a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

No-Contact Directive: A No Contact Directive is a document issued by a College administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the respondent does not contact the complainant.

Notice: All notices under this policy are written and sent to the student or employee's assigned Maria College email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official College records, or personally delivered to the intended recipient.

Remedies: Remedies means measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after the College determines that discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

C. Other Definitions

Confidential Resources: any individual identified by the College who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Days: any reference to days refers to business days when Maria College is in normal operation.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- Provide support during the College's grievance procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

The College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the College's program or activity or provide support during the College's alternative resolution process or grievance procedures. Prohibited Conduct under this policy have the right to request supportive measures from the College regardless of whether they desire to make a complaint or seek alternative resolution.

A party may challenge the College's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) business days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

XIII. RESOURCES

A. Confidential Resources

Confidential Resources may not report to Title IX Coordinator any identifying information about conduct that may violate the College's policies against harassment and discrimination without the written consent of the individual who supplied the information, unless required by law. The following information includes the contact information for on-campus confidential resources for students:

- Pastoral Care – Maria College provides confidential spiritual services through Pastoral Care. Please contact tflanagan@mariacollege.edu for more information.
- Counseling Services – Maria College provides free, confidential mental health support through Uwill Student Mental Health & Wellness.

If a student is experiencing a mental health crisis after hours, they should contact 911 or 988 (a new three-digit number for mental health crises and emotional distress).

The following information includes the contact information for confidential resources for employees:

- Albany County Crime Victims and Sexual Violence Center: 518-447-7716
- Equinox Domestic Violence Services: 518-432-7865

The following information includes the contact information for off-campus confidential resources for any individual:

- Local Police, 24-hour, seven days a week: dial 911
- Albany County Crime Victims and Sexual Violence Center: 518-447-7716
- Equinox Domestic Violence Services: 518-432-7865
- In Our Own Voices – LGBT Domestic Violence Support Line: 518-432-4341
- RAINN National Sexual Assault Hotline: 800-656-HOPE
- National Domestic Violence Hotline: 800-799-SAFE
- New York State Hotline for Sexual Assault and Domestic Violence: 800-942-6906
- New York State Office of Victim Services: 800-247-8035
- St. Peters Health Partners Crime Victim Services: 24 Hour Crisis Hotline – 518-271-3257

B. Non-Confidential Resources

The College also has non-confidential campus resources available to the Maria College community. These non-confidential resources are required to report disclosures of conduct that may violate this Policy's Prohibited Conduct to the Title IX Coordinator.

- Campus Security – security@mariacollege.edu, 518-376-0690
- The Department of Student Affairs – wtrevor@mariacollege.edu
- The Office of Title IX – titleix@mariacollege.edu, 650-383-4753 ext. 1

Bias Related Crime Act of 2000

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

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

Reporting a Crime

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

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

New York State Penal Code: § 485.05 Hate Crimes.

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

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

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

- section 120.00 (assault in the third degree);
- section 120.05 (assault in the second degree);
- section 120.10 (assault in the first degree);
- section 120.12 (aggravated assault upon a person less than eleven years old);
- section 120.13 (menacing in the first degree);
- section 120.14 (menacing in the second degree);
- section 120.15 (menacing in the third degree);
- section 120.20 (reckless endangerment in the second degree);
- section 120.25 (reckless endangerment in the first degree);
- subdivision one of section 125.15 (manslaughter in the second degree);
- subdivision one, two or four of section 125.20 (manslaughter in the first degree);
- section 125.25 (murder in the second degree);
- section 120.45 (stalking in the fourth degree);

- section 120.50 (stalking in the third degree);
- section 120.55 (stalking in the second degree);
- section 120.60 (stalking in the first degree);
- subdivision one of section 130.35 (rape in the first degree);
- subdivision one of section 130.50 (sodomy in the first degree);
- subdivision one of section 130.65 (sexual abuse in the first degree);
- paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree);
- paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree);
- section 135.05 (unlawful imprisonment in the second degree);
- section 135.10 (unlawful imprisonment in the first degree);
- section 135.20 (kidnapping in the second degree);
- section 135.25 (kidnapping in the first degree);
- section 135.60 (coercion in the second degree);
- section 135.65 (coercion in the first degree);
- section 140.10 (criminal trespass in the third degree);
- section 140.15 (criminal trespass in the second degree);
- section 140.17 (criminal trespass in the first degree);
- section 140.20 (burglary in the third degree);
- section 140.25 (burglary in the second degree);
- section 140.30 (burglary in the first degree);
- section 145.00 (criminal mischief in the fourth degree);
- section 145.05 (criminal mischief in the third degree);
- section 145.10 (criminal mischief in the second degree);
- section 145.12 (criminal mischief in the first degree);
- section 150.05 (arson in the fourth degree);
- section 150.10 (arson in the third degree);
- section 150.15 (arson in the second degree);
- section 150.20 (arson in the first degree);
- section 155.25 (petit larceny);
- section 155.30 (grand larceny in the fourth degree);
- section 155.35 (grand larceny in the third degree);
- section 155.40 (grand larceny in the second degree);
- section 155.42 (grand larceny in the first degree);
- section 160.05 (robbery in the third degree);
- section 160.10 (robbery in the second degree);
- section 160.15 (robbery in the first degree);
- section 240.25 (harassment in the first degree);
- subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

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

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:

- (a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
- (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
- (c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
- (d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
- (e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

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

Substance Abuse Prevention Policy

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

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

Maria College prohibits:

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

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

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

Use of alcohol may result in mood changes, impulsive actions, loss of judgment, and loss of coordination. Excessive use of alcohol may cause heart damage, liver damage, damage to the digestive tract, cancer, brain damage, mental disorders, loss of sexual function, blood disorders and birth defects. In addition, long-term alcohol use may affect relationships, employment, academic and athletic performance, and self-esteem. Consumption of alcohol while using over-the-counter or prescription medications, where such use is contraindicated, can lead to unintended health consequences. Acute alcohol poisoning, occurring when an individual consumes a large amount of alcohol in a short period of time, may result in changes in breathing and heart rate, the gag reflex, and can lead to coma and death. More information regarding the use of alcohol at college and the health risks associated with the consumption of alcohol can be found at <https://www.collegedrinkingprevention.gov/>.

Education Programs

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

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

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

Written Notifications

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

Guidelines For Sexual Assault Assistance

1. If you are raped or sexually assaulted

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all the clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Get medical attention as soon as possible to make sure you are physically well and to permit collection of important evidence in the event that you may later wish to take legal action.
- Follow Maria College reporting procedures.
- Talk with an advocate or counselor who will maintain privacy, help explain your options, give you information, and provide emotional support.

- Contact someone you trust to be with you and support you.
- Past abuse: Many individuals experience sexual assault and never tell anyone about it at the time of the incident. If you were victimized weeks or years ago, assistance is still available to you. Talking with someone now may help you cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

2. Immediate and Follow-up Medical treatment

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

3. Counseling and emotional support

On campus

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

Off campus

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

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

Sexual Assault and Crime Victims Assistance Program, Sexual Assault 24-hour hotline: (518) 271-3257

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

Contact Information:

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

COUNSELING SERVICES

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

HEALTH SERVICES

All new students are requested to bring their immunization records when they register. Any delays must be discussed with the Vice President for Academic Affairs. These records are requested to be handed into Admissions before the first day of classes. All health records submitted to this office are kept confidential. The

facilities of St. Peter's Hospital are conveniently located within a block of the main campus in case of an emergency or serious illness.

MEGAN 'S LAW

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

Crime Statistics

The College’s Safety Department records information relevant to any crime-related activity occurring on campus. Statistics are published annually and are available to anyone upon request.

They are also available on the U.S. Department of Education website ([HTTP://OPE.ED.GOV/SECURITY](http://ope.ed.gov/security)) “OPE ID 00276300” or by contacting the Compliance Officer 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	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Negligent Manslaughter	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Sex Offenses, Forcible	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Sex Offenses, Non-Forcible	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Robbery	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Aggravated Assault	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Burglary	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Motor Vehicle Theft	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Domestic Violence	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Dating Violence	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Stalking Incidents	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Arrests: Drug Abuse Violations	2021	0	0	0
	2022	0	0	0
	2023	0	0	0

Disciplinary Referrals: Drug Abuse Violations	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Arrests: Liquor Law Violations	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Disciplinary Referrals: Liquor Law Violations	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Larceny	2021	0	0	0
	2022	0	0	0
	2023	0	0	0
Hate Crimes	2021	0	0	0
	2022	0	0	0
	2023	0	0	0

Maria College Geography

Geography definitions from Clery Act:

Maria College
700 New Scotland Avenue
Albany, NY 12208

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:

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 Effects/</i> Potential Health Consequences
<i>Cannabinoids</i>			
hashish	boom, chronic, gangster, hash, hash oil, hemp	I/swallowed, smoked	<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>
marijuana	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	I/swallowed, smoked	
<i>Depressants</i>			
barbiturates	<i>Amytal, Nembutal, Seconal, Phenobarbital;</i> barbs, reds, red birds, phennies, tooies, yellows, yellow jackets	II, III, V/injected, swallowed	<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> <i>for flunitrazepam—visual and gastrointestinal disturbances, urinary retention, memory loss for the time under the drug's effects</i> <i>for GHB - drowsiness, nausea/vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death</i> <i>for methaqualone - euphoria/ depression, poor reflexes, slurred speech, coma</i>
benzodiazepines (other than flunitrazepam)	<i>Ativan, Halcion, Librium, Valium, Xanax; candy, downers, sleeping pills, tranks</i>	IV/swallowed, injected	
flunitrazepam***	<i>Rohypnol; forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies</i>	IV/swallowed, snorted	
GHB***	<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>			
ketamine	<i>Ketalar SV; cat Valiums, K, Special K, vitamin K</i>	II/injected, snorted, smoked	<i>increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting</i>
PCP and analogs	<i>phencyclidine; angel dust, boat, hog, love boat, peace pill</i>	I, II/injected, swallowed, smoked	

			<p><i>Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest</i></p> <p><i>for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence/loss of appetite, depression</i></p>
Hallucinogens			
LSD	<i>lysergic acid diethylamide</i> ; acid, blotter, boomers, cubes, microdot, yellow sunshines	I/swallowed, absorbed through mouth tissues	<p><i>altered states of perception and feeling; nausea;</i></p> <p><i>persisting perception disorder (flashbacks)</i></p>
mescaline	buttons, cactus, mesc, peyote	I/swallowed, smoked	<p><i>Also, for LSD and mescaline— increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness, numbness, weakness, tremors</i></p> <p><i>for LSD —persistent mental disorders</i></p> <p><i>for psilocybin—nervousness, paranoia</i></p>
psilocybin	magic mushroom, purple passion, shrooms	I/swallowed	
Opioids and Morphine Derivatives			
codeine	<i>Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine</i> ; Captain Cody, Cody, schoolboy; (with glutethimide) doors & fours, loads, pancakes and syrup	II, III, IV/injected, swallowed	<p><i>pain relief, euphoria, drowsiness/nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death</i></p> <p><i>Also, for codeine—less analgesia, sedation, and respiratory depression than morphine</i></p> <p><i>for heroin—staggering gait</i></p>
fentanyl and fentanyl analogs	<i>Actiq, Duragesic, Sublimaze</i> ; Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash	I, II/injected, smoked, snorted	
heroin	<i>diacetylmorphine</i> ; brown sugar, dope, H, horse, junk, skag, skunk, smack, white horse	I/injected, smoked, snorted	
morphine	<i>Roxanol, Duramorph</i> ; M, Miss Emma, monkey, white stuff	II, III/injected, swallowed, smoked	
opium	<i>laudanum, paregoric</i> ; big O, black stuff, block, gum, hop	II, III, V/swallowed, smoked	
oxycodone HCL	<i>Oxycontin</i> ; Oxy, O.C., killer	II/swallowed, snorted, injected	

hydrocodone bitartrate, acetaminophen	<i>Vicodin</i> ; vike, Watson-387	II/swallowed	
Stimulants			
amphetamine	<i>Biphetamine, Dexedrine</i> ; bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers	II/injected, swallowed, smoked, snorted	<i>increased heart rate, blood pressure, metabolism; feelings of exhilaration, energy, increased mental alertness/rapid or irregular heart beat; reduced appetite, weight loss, heart failure, nervousness, insomnia</i>
cocaine	<i>Cocaine hydrochloride</i> ; blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot	II/injected, smoked, snorted	<i>Also, for amphetamine—rapid breathing/</i>
MDMA (methylenedioxy-methamphetamine)	Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC	I/swallowed	tremor, loss of coordination; irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis
methamphetamine	<i>Desoxyn</i> ; chalk, crank, crystal, fire, glass, go fast, ice, meth, speed	II/injected, swallowed, smoked, snorted	<i>for cocaine—increased temperature/chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches, malnutrition, panic attacks</i>
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 MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings/impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity</i>
nicotine	cigarettes, cigars, smokeless tobacco, snuff, spit tobacco, bidis, chew	not scheduled/smoked, snorted, taken in snuff and spit tobacco	<i>for methamphetamine—aggression, violence, psychotic behavior/memory loss, cardiac and neurological damage; impaired memory and learning, tolerance, addiction</i> <i>for nicotine—additional effects attributable to tobacco exposure, adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, addiction</i>
Other Compounds			
anabolic steroids	<i>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise</i> ; roids, juice	III/injected, swallowed, applied to skin	<i>no intoxication effects/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</i>
inhalants	<i>Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl);</i>	not scheduled/inhaled through nose or mouth	

	laughing gas, poppers, snappers, whippets		<i>stimulation, loss of inhibition; headache; nausea or vomiting; slurred speech, loss of motor coordination; wheezing/unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death</i>
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*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 that 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gm or more	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	<p>First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<input type="checkbox"/> Not less than 10 years, not more than life <input type="checkbox"/> If death or serious injury, not less than 20 years, not more than life <input type="checkbox"/> Fine not more than \$4 million if an individual, \$10 million if other than an individual	<input type="checkbox"/> Not less than 20 years, not more than life <input type="checkbox"/> 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	<input type="checkbox"/> Not less than 5 years, not more than 40 years <input type="checkbox"/> If death or serious injury, not less than 20 years, not more than life <input type="checkbox"/> Fine not more than \$2 million if an individual, \$5 million if other than an individual	<input type="checkbox"/> Not less than 10 years, not more than life <input type="checkbox"/> If death or serious injury, mandatory life <input type="checkbox"/> 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	<input type="checkbox"/> Not more than 20 years <input type="checkbox"/> If death or serious injury, not less than 20 years, not more than life <input type="checkbox"/> Fine \$1 million if an individual, \$5 million if other than an individual	<input type="checkbox"/> Not more than 30 years <input type="checkbox"/> 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	<input type="checkbox"/> Not more than 5 years <input type="checkbox"/> Fine not more than \$250,000, \$1 million other than individual	<input type="checkbox"/> 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		