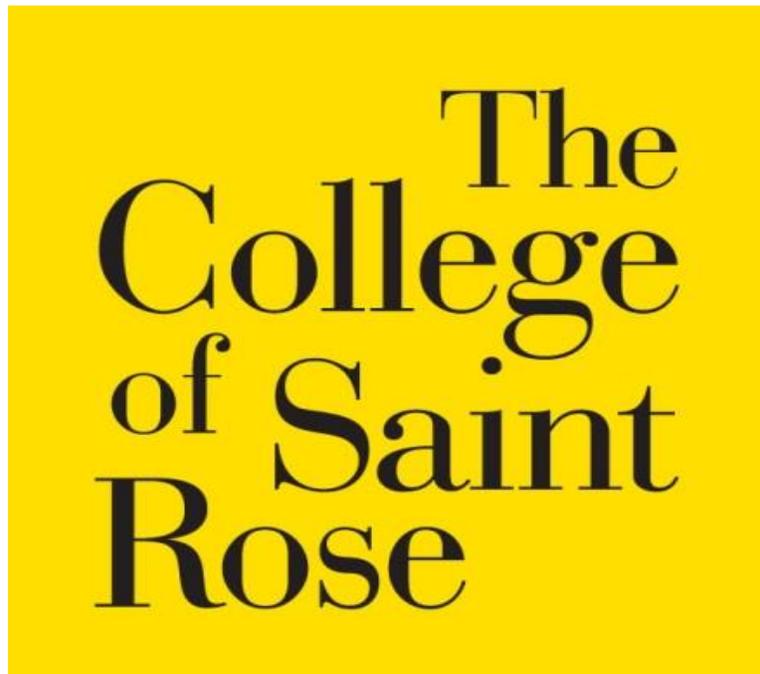


Annual Public Safety Report: 2017



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## **Purpose of the Annual Security Report**

This Annual Security Report (“Report”) is intended to inform all current and prospective students and employees (faculty, staff, and administrators) about safety and security at The College of Saint Rose (“Saint Rose”). This Report is in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended (“Clery Act”).

Saint Rose is concerned about the safety and welfare of all campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, Saint Rose has developed a series of policies and procedures designed to ensure that every possible precaution is taken to protect the campus community. Saint Rose has one of the best safety records of colleges of its size in New York State and, together, we can maintain a safe and secure campus environment.

### **What is the Clery Act?**

The Clery Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The Clery Act is named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was assaulted and murdered in her residence hall room on April 5, 1986.

### **To Review Crime Statistics for All Colleges and Universities:**

In accordance with the Clery Act, the College provides its campus crime statistics to the U.S. Department of Education. Statistics for the College and other institutions are available at: <http://ope.ed.gov/security>.

### **Saint Rose’s Report Preparation:**

The Report is prepared by representatives from the Office of the President, the Office of Safety and Security, and Student Affairs at the College. The crime statistics are compiled from reports and reviewed by the Office of Safety and Security, Campus Security Authorities, Albany Police Department, and the University Police Department for the University at Albany.

### **To Obtain a Printed Copy of the Report:**

Saint Rose’s Report may be accessed and printed online at: [www.strose.edu/securityreport](http://www.strose.edu/securityreport). In addition, a printed copy of the Report is available as follows:

- Request a copy in person at the Office of Safety and Security during regular business hours at 340 Western Avenue;
- Call Steve Stella, Director of Safety and Security at 518-454-5139; or
- Send a written request by mail to:  
The College of Saint Rose  
Office of Safety and Security  
340 Western Avenue  
Albany, NY 12203

## **Procedures for Reporting Criminal Actions and Other Emergencies**

### **On Campus Reporting:**

All crime victims and witnesses are strongly encouraged to immediately report crimes to Security and/or the appropriate police agency. Security is committed to working with the Saint Rose community to resolve all criminal matters in a timely fashion. Prompt reporting will help Saint Rose appropriately warn and protect the campus community.

### **Security:**

Security is charged with ensuring the safety and security of the entire Saint Rose community. Everyone is encouraged to report all crimes, emergencies, accidents/injuries and unusual occurrences to Security immediately as follows:

- Go directly to a Security Post in either the Lobby of Lima or Brubacher Halls, Picotte Hall, or at the Security Headquarters located at 340 Western Avenue (Corner of Western Avenue and Partridge Street).
- Dial **518-454-5187** from your mobile phone.
- Dial **911** or extension **5187** from any campus extension.
- Push the “security” button from any campus extension.
- Operate one of the many emergency blue light call boxes strategically located throughout the campus.

Security Officers will meet individuals anywhere on campus to investigate and inquire about any crime or concern on campus. Crimes reported to Security will be recorded and may be referred to the appropriate law enforcement agency for investigation.

### **Campus Security Authorities:**

In addition, individuals may report crimes to a Campus Security Authority (CSA). At Saint Rose, designated administrators and faculty who have significant responsibilities for student and campus activities are CSAs. If a crime is reported to a CSA, that individual is obligated to provide information about the crime to Security and others at Saint Rose as necessary. If the crime is reportable under the Clery Act, it will be included in this Report.

CSAs are instructed to report crimes they become aware of to the Department of Safety and Security or the Albany Police. Other members of the Saint Rose community are encouraged to report information about crimes on campus to Security.

Although this list does not include every CSA, you may contact any of the following Saint Rose employees to obtain immediate assistance if you are the victim or otherwise aware of a crime on campus. These CSAs are generally available Monday through Friday during regular business hours. Victims are encouraged to call Campus Security at 518-454-5187 (or 911 from any campus phone) at all other times.

<b>Name</b>	<b>Title</b>	<b>Telephone Number</b>	<b>Address</b>
Steve Stella	Director of Safety and Security	518-454-5187	Safety & Security Room 104 340 Western Avenue
Catherine Haker	Director of Athletics & Recreation	518-454-5158	Events and Athletic Center, Room 231 420 Western Avenue
Craig Tynan	Registrar	518-458-5464	St. Joseph's Hall Room 416
Dennis McDonald	Vice President for Student Affairs, Title IX Coordinator	518-454-5170	Events and Athletic Center, Room 210, 420 Western Avenue
Ian MacDonald	Interim Dean, School of Mathematics and Sciences	518-454-5266	Science Center Room 255 993 Madison Avenue
Jeffrey Knapp	Associate Vice President for Human Resources	518-454-5138	Cabrini Hall, Room 205 399 Western Avenue
Jeffrey Marlett	Interim Dean, School of Arts & Humanities	518-454-5157	Arts & Humanities Room 103 1006 Madison Avenue
Jennifer Richardson	Director of Residence Life	518-454-5295	Room 5 204 Partridge Street
Margaret McLane	Interim Provost and Vice President for Academic Affairs	518-454-5160	Administration Building 1000 Madison Avenue
Mike Mathews	Interim Dean, Huether School of Business	518-454-5272	Huether School of Business, Room 210 994 Madison Avenue
Rita McLaughlin	Assistant Vice President for Student Affairs	518-454-5170	Events and Athletic Center, Room 210, 420 Western Avenue
Shai Butler	Vice President for Student Success & Chief Diversity Officer	518-454-5299	The Center for Student Success 2 <sup>nd</sup> Floor St. Joseph's Hall
Theresa Ward	Acting Associate Dean, Thelma P. Lally School of Education	518-454-5208	Thelma P. Lally School of Education 1009 Madison Avenue

Other CSAs include advisors to student groups and organizations, resident assistants, and all athletic coaches.

**Anonymous Reporting:**

Anyone can report a crime anonymously by calling the College’s Anonymous Hotline at 518-454-5275 or by submitting a report via the College’s online form. Individuals may also email reports to [anonymous@strose.edu](mailto:anonymous@strose.edu) and note that they want to remain anonymous in the text of the email message.

**Off Campus Reporting:**

To report a crime off campus, you may dial **911** from a mobile phone or **9911** from a Saint Rose phone. You may also contact the following police departments:

Albany Police Department and Fire Department Dispatch  
Western Ave., Albany, NY 12203  
518-438-4000

NYS Police 24 hour hotline  
1-844-845-7269

University Police Department for the University at Albany  
1400 Washington Ave., Albany, NY  
518-442-3130

**Confidential Reporting:**

Reporting to certain offices is kept confidential in accordance with established professional and legal guidelines and pastoral and professional counselors do not file incident reports. However, Saint Rose encourages its pastoral and professional counselors to inform the person being counseled of any procedures to report crimes for inclusion in the annual disclosure of crime statistics. Confidential reports may be made to the following individuals and offices:

On Campus Health Provider	Sandra Frese Health Services 190 Partridge St., Albany, NY 12203 (518) 454-2044 <a href="http://www.strose.edu/officesandresources/academic_and_student_support_services/health_services">http://www.strose.edu/officesandresources/academic_and_student_support_services/health_services</a>
On Campus Mental Health Provider	Dr. Jay Hamer Counseling Center Madison Hall, 947 Madison Ave., Albany, NY 12203 (518) 454-5200 <a href="http://www.strose.edu/officesandresources/academic_and_student_support_services/counseling_services">http://www.strose.edu/officesandresources/academic_and_student_support_services/counseling_services</a>
On Campus Pastoral Counselor	Joan Horgan Hubbard Interfaith Sanctuary (518) 454-5250 <a href="http://www.strose.edu/officesandresources/spiritual_life">http://www.strose.edu/officesandresources/spiritual_life</a>

<p>Off Campus Mental Health Care Provider</p>	<p>Albany County Crime Victims and Sexual Violence Center 112 State St., Albany, NY 12207 24 Hour Sexual Assault Hotline – (518) 447-7716 <a href="http://www.albanycounty.com/cvsvc/">www.albanycounty.com/cvsvc/</a></p>
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**If you are the victim of a crime:**

- Report the incident to Security and/or the police if you feel comfortable doing so.
- File a complaint following the campus judicial process if the alleged perpetrator is a member of the Saint Rose community. An investigation for appropriate disciplinary action under Saint Rose’s policies for the incident will be pursued.
- Tell your story soon to avoid forgetting details. Alternatively, write out the details or use a tape recorder.
- Seek counseling. Professional counseling is available, free of charge, through the Counseling Center. Counseling can be beneficial as you work through your reaction to being the victim of a crime.

**Saint Rose Security Advisory Committee:**

The Security Advisory Committee is comprised of faculty, students, staff, and administrators who regularly examine policy and procedures and make recommendations to the President of the College in an effort to maintain the safest campus environment possible. The Committee reviews the following current campus security policies and procedures and makes recommendations for improvement:

- Educating the campus community, including security personnel and employees who advise or supervise students, about sexual assault in accordance with New York State law;
- Educating the campus community about personal safety and crime prevention;
- Reporting sexual assaults and dealing with victims during investigations;
- Referring complaints to appropriate authorities;
- Counseling victims, and
- Responding to inquiries from concerned persons.

## Saint Rose Security Policies

### Office of Safety and Security Information:

Security works closely with all departments, units, and offices at Saint Rose to ensure that safety policies and procedures are uniformly executed and conveyed in a clear and consistent manner to all current and prospective students and employees.

The Security Office is located at **340 Western Avenue** and staffed **24 hours a day, 365 days a year**. Uniformed Security Officers provide around-the-clock patrol, select fixed post access control, and other services to the Saint Rose campus community.

### Enforcement Authority:

- The Office of Safety and Security includes the following positions:
  - Security Director
  - Security Lieutenant
  - Security Sergeant
  - Security Corporal
  - Security Officer
  - Security Driver
  
- All individuals who hold the positions of Security Officer or higher are licensed in the State of New York as unarmed private security officers and are trained in basic first aid and CPR. All Security supervisors and select Security Officers receive additional Campus Public Safety Officer Training through the Zone Five Regional Law Enforcement Training Academy.
  
- Saint Rose values well-trained and informed Security staff. Security Officers attend various training seminars and informative conferences throughout the year.
  
- Security Officers are responsible for a full range of safety services at Saint Rose, including, but not limited to, responding to reports of crimes, medical emergencies, fire emergencies, traffic accidents, and enforcement of all Saint Rose policies including those relating to alcohol use, drug use, and weapons possession. Security Officers submit incident reports on all crimes and incidents of note on campus reported to the Office by victims, witnesses, and others including Campus Security Authorities.
  
- Security Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Saint Rose. Security Officers have the authority to issue parking tickets to students and employees.
  
- Security Corporals, Sergeants, Lieutenants and the Director have authority to make warrantless arrests when they have reasonable cause under the aegis of the Albany Police Department.

### **Relationship with Local Police Departments:**

- Criminal incidents are referred to the Albany Police Department or the University Police Department for the University at Albany, both of whom have jurisdiction on Saint Rose's campus through Memoranda of Understanding. Security at Saint Rose maintains a highly professional working relationship with both of these law enforcement agencies.
- Off campus incidents involving Saint Rose students are shared with Saint Rose Security and these agencies when this status is relevant and known. Saint Rose maintains the right to pursue judicial sanctions against students violating student conduct policies off campus.

### **Security Awareness & Crime Prevention:**

- Saint Rose Security encourages members of the Campus community to take personal responsibility for their own safety by offering services designed to increase Security awareness and opportunities to be proactive.
- Security crime prevention services include:
  1. ***Escort Service:*** Security Officers provide on-campus escorts 24 hours a day, seven days a week to students and employees upon request. Members of the campus community arriving from off-campus may contact Security to arrange for an escort when they arrive at the Saint Rose campus.
  2. ***Shuttle U Home:*** In addition to on demand escort services, Saint Rose Security runs the Shuttle You home service. Through this service, from 6:00 pm to 1:00 am, students and employees may be driven to their homes that are within a two mile radius of the Saint Rose campus. On campus, the shuttle picks up students and employees at the back of the Thelma P. Lally School of Education building. Students and employees may call Security to find out when a shuttle will be arriving.
  3. ***Emergency Blue Light Phone System:*** These phones are located on campus walkways and in parking lots. They can be used to contact Saint Rose Security in an emergency situation or to request a security escort.

### **Security Programming:**

- The goals of Saint Rose's crime prevention programming are to minimize criminal opportunities whenever possible and encourage individuals to take their own security and the security of others into consideration. Numerous presentations are made throughout the year to various campus constituencies including resident and commuter students, Resident Assistants, and employees. In addition, any office, department or unit may request additional training through the Security Director.

- Campus Security makes students and employees aware of the availability of its services through articles and/or announcements in the student newspaper, sending out emails, and by having staffed information tables in the Events and Athletics Center (EAC) periodically throughout the year at events such as orientation. In addition, Campus Security provides safety and security workshops to first year and transfer undergraduate students during orientation and to the general campus population at least twice during each Fall and Spring semester.
- Campus safety and crime prevention programs for commuter students are held each semester during daytime and evening class hours, so the training reaches both full- and part-time undergraduate and graduate students.
- Residence Life staff members undergo thorough safety and security awareness, crime prevention and fire prevention training provided by Security at least once each academic year. In addition, applicable local and/or state agencies may provide Saint Rose's Resident Assistants with supplemental programming in these areas.
- All new employees are required to attend a mandatory workshop on Sexual Assault/Harassment and the Clery Act. At least once every two years, current employees are required to participate in an online training which reinforces the new employee training.

## Access to Buildings Policy:

### **I. Purpose**

The College of Saint Rose (the “College”) is interested in creating and maintaining a safe and secure campus. Accordingly, access to buildings and facilities at the College is controlled and monitored by the Department of Safety and Security (“Security”). The College is a private institution of higher education and, as such, its buildings are not generally open to the public and are available for students, employees, contractors, and invited guests. This Policy provides information for who has access to College buildings and facilities at various times of the day and days of the week.

### **II. Definitions**

- A. Academic Buildings – Buildings where classes are held. In addition, the Library and Saint Joseph Hall are Academic Buildings.
- B. Campus Buildings – All buildings owned, leased, and/or operated and maintained by the College. A map of Campus Buildings is available at <http://map.strose.edu/>.
- C. Campus Facilities – All Campus Buildings, parking lots, and open areas owned, leased, and/or operated and maintained by the College. This term does not include public sidewalks or streets.
- D. Card Access – Access to buildings is obtained by scanning an Employee, student, or Trustee identification card on the pad outside of the building. Card Access may also be provided to third parties, on an as needed basis. The One Card Office provides access with proper permissions utilizing the Card Access Procedures & Request Form, attached as Appendix A. The Office of Human Resources is responsible for collecting identification cards from Employees at the conclusion of their employment with the College.
- E. Employee – Any faculty, staff member, or administrator, whether full-time, part-time, or temporary, employed by the College.
- F. Key Access – Access to buildings is obtained by using a key that is provided to an Employee or Resident student with proper permissions utilizing the Key Access Procedures & Request Form.
- G. Office Buildings – Buildings which are used to provide office space for Employees, but do not have classrooms.
- H. Residence Halls – Any dormitories, houses, or apartments owned, leased, and/or operated and maintained by the College.

- I. Resident Student – A student enrolled at the College who lives in one of the College’s Residence Halls.
- J. Trustee – A member of the College’s Board of Trustees.

### **III. Policy**

This Policy provides information about which buildings have Key Access and which have Card Access (as defined below). Security reserves the right to restrict access to buildings and facilities when there is a safety concern or threat.

### **IV. Procedures**

#### **A. Access to Campus Buildings:**

1. Residence Halls – All Residence Halls are secured 24 hours a day, 7 days a week by Card Access, except for Lima Hall which is locked from 5:00 pm to 7:00 am each day. Both Lima Hall and Brubacher Hall have security guards posted in the front lobby where students will need to swipe their identification cards at the door by the Security Desk in Lima Hall and at the Security Desk for Brubacher Hall to access the residence portion of the Residence Hall. In addition, all rooms in Residence Halls are secured by Key Access.
2. Academic Buildings –
  - a) Security works with applicable Deans and administrators to determine when these buildings will be opened and unlocked. Before and after those hours, these buildings will only be available to individuals who have Card Access or Key Access. For example, students who are enrolled in evening classes at the Huether School of Business will have card access to that building.
  - b) Other Academic Buildings may be open for extended hours for events such as those held at the Massry Center for the Arts or Hearst Center for Communications and Interactive Media.
  - c) The Neil Hellman Library is open at varying times throughout the year based upon the needs of the students and as decided by the Director of the Library and the Provost. The Library’s hours are posted on the website at: <http://library.strose.edu>.
  - d) The Picotte Center for Art & Design is a closed building and only available through Card Access. There is a security guard stationed at Picotte from 4:30 pm to 11:30 pm, seven days a week during the academic year.
3. Office Buildings –
  - a) Generally, Office Buildings are open during regular business hours from 8:30 am to 5:00 pm, or other hours as designated by the department head for that building. After hours, only those with Card Access or Key Access will be able to enter the building.
  - b) Designated Office Buildings are locked 24 hours, 7 days a week at the discretion of the Director of Security and only accessible with Card Access.

- c) In addition, some Office Buildings and offices within other Office Buildings are equipped with Burglary Alarms and/or Panic Buttons, at the discretion of the Director of Security.
4. Other Campus Buildings –
- a) The Events and Athletics Center (EAC) – The EAC is open from 5:30 am to 8:00 pm each day during the academic year to provide students with access to specific services such as the dining hall and a fitness center. From 8:00 pm to midnight, the EAC is accessible by Card Access. The EAC is closed from midnight to 5:30 am; however, the EAC may be open for extended hours during athletic events or other functions.
  - b) Hubbard Interfaith Sanctuary – Hubbard is open for the hours posted on the building, which may vary depending upon the needs of the College.
  - c) Plumeri Sports Complex – The fields at Plumeri are open at all hours, but should not be visited unless there is a valid educational or business reason to do so, including attending or participating in athletic events. During the academic year, the buildings at Plumeri are available for certain employees via Card Access only, unless one or more buildings are open for events or other activities. The College does not maintain Plumeri during the summer months when control shifts to the City of Albany Parks Department.
5. Parking Lots – Parking lots are available at the times posted on signs in the lot. Some parking lots are available Monday through Friday while others are open on the weekends as well. Residents may park in assigned lots 24 hours a day, 7 days a week. If an individual, other than a resident student, needs to park in a lot overnight, this information must be shared with Security.

B. Lockout Procedures: Security or Residence Life staff will respond to valid, verifiable lockout requests. The individual requesting access to a Campus Building will be required to provide proper identification and authorization before being permitted to access the Campus Building or a specific room in an Office Building.

C. Building Lockdown: In emergency situations, Security may remotely lock Campus Buildings with Card Access so no additional individuals may enter the building. Security does not have the ability to lock individual rooms remotely.

**Maintenance of Campus Facilities:**

The College conducts maintenance of the Saint Rose campus facilities on a regular basis. This includes the following:

1. Security conducts comprehensive annual exterior lighting inspections to ensure that pathways and parking lots are well lit. Security monitors campus lighting adequacy during scheduled patrols.
2. Security conducts quarterly lock down tests of the entire Card Access system and monthly tests covering specific sections of the College campus.

3. The College monitors the condition and usable life of security systems, including cameras, card access and alarms, to ensure that security systems are functional and appropriate to their specific applications.

**Off-Campus Student Organizations:**

Saint Rose does not recognize any off campus student organizations.

## **Saint Rose Alcoholic Beverages and Illegal Drug Policies**

### **A. General College Policy**

The College of Saint Rose prohibits the unlawful possession, use or distribution of alcohol and illicit drugs by students and employees on its property or as part of any of its activities.

### **B. Alcohol Policy**

Small amounts of alcohol (i.e. no more than a six pack of beer, a liter of wine, or half liter of alcohol, etc.) for personal consumption are allowed in a student's bedroom if the student is at least 21 years of age. The collection, displaying or storing of empty alcohol containers is prohibited.

Students shall not:

1. Possess, consume or distribute alcoholic beverages if a student is below 21 years of age.
2. Furnish or sell any alcoholic beverage to any person not 21.
3. Be below 21 years of age and in the presence of alcohol.
4. Allow guests to bring alcohol into the residence halls.
5. Consume any alcoholic beverage(s) if any underage person is present.
6. Possess any drinking paraphernalia including, but not limited to, funnels, shot glasses, mugs, steins, wine glasses, margarita glasses, flasks and game tables.
7. Possess large quantities of alcohol, including, but not limited to, kegs or beer balls.
8. Possess more than one 23.5 oz. single serve caffeine-free container of Progressive Adult Beverages in their room, per of-age, 21 year old student. These beverages include, but are not limited to Phusion Products – Four Maxed and Four Loco and Joose Products.
9. Possess or consume alcohol in any common area of the residence halls including suite living rooms and kitchens.
10. Be incapacitated by the influence of alcohol or another drug or substance.

All unauthorized alcohol containers and paraphernalia will be confiscated and disposed of.

Resident students may be removed from campus housing after their third violation of the alcohol policy or earlier depending upon the severity of the violation.

Additional requirements:

1. Students and other College groups, including offices, cannot serve alcoholic beverages at events at which students will be present without prior approval from the Assistant Vice

President for Student Affairs. Alcohol beverage request forms should be completed a week prior to the event. Alcohol shall not be provided to individuals who are underage, appear to be intoxicated or under the influence of other psychoactive drugs.

2. Individuals or groups having events in a facility covered by the NYS liquor license serving Saint Rose may not legally bring alcoholic beverages into those areas; therefore, such beverages must be ordered from Campus Dining.
3. Saint Rose community members are responsible for the alcohol-related actions of their guests, including any related damage.
4. Neither the advertisement nor emphasis of an event can promote alcoholic beverage(s) as the sole or main purpose of that event. In addition, no specials for alcoholic beverages are allowed.
5. Whenever an alcoholic beverage is served, a non-alcoholic beverage and food must also be available.
6. No member of the College community may possess an open container in common areas, such as the lawn, lounges, hallways, kitchens etc.
7. Proofing is to be done at the entrance to the drinking area and only one alcoholic beverage is given to any one person.

### **C. Student Sponsored Events**

1. For student sponsored events a designated area for the serving and consumption of alcohol must be utilized. Only those of age with appropriate proof may enter the area and no one may take beverages out.
2. It is the responsibility of the Campus Dining Services staff to proof, enforce and report violations of the College alcohol policy. The sponsoring group is equally responsible to enforce the College alcohol policy and to report violations to the Assistant Vice President for Student Affairs.

### **D. Proofing Policy**

1. Saint Rose identification cards are not valid for proof of age. Governmental proof, such as a driver's license, passport or original birth certificate is required.
2. The Saint Rose identification is also necessary to identify you as a member of the College community since we have a NYS club license.

### **E. Drug Policy**

Possessing, consuming, distributing or selling illicit drugs is prohibited.

Additional requirements:

1. Being present where illegal drugs are being used, had been used, or were suspected of being used is prohibited.
2. The odor of marijuana in corridors, lounges, public areas or student rooms in conjunction with the possession of a fan, towel, or any other element used to mask the smell will result in participation in the Student Conduct process.
3. Students shall not possess any items that are designed for the use of drugs (bowls, bongs, pipes, etc.). Any items that are fashioned for the purpose of facilitating or disguising drug use will also be considered a violation of this policy.
4. All drugs and drug paraphernalia will be confiscated and disposed of by Security.
5. Incapacitation by the influence of alcohol or another drug or substance is a violation of College policy.

Violators of the drug policy may be removed from campus housing and/or the College after their second violation or earlier depending on the severity of the incident.

#### **F. Sanctions for Alcohol/Illicit Drug Violations**

Students found in violation of the College's policies on alcohol and illicit drugs are subject to a hearing and possible disciplinary action. Sanctions will be assigned in accordance with the Student Conduct procedures of the College and may vary depending upon the particular circumstances surrounding an infraction, up to and including suspension or expulsion.

#### **G. New York State Law and Sanctions – Alcohol Beverage Control Law:**

The use of alcoholic beverages is subject to the New York State Alcoholic Beverage Control Law and certain provisions of the New York Penal Law. It is important to understand these laws clearly, as they pertain to the possession, sale or serving of alcoholic beverages.

1. It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine, completion of an alcohol awareness program, and/or community service not to exceed 30 hours.
2. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine of up to \$100, community service of up to thirty hours, and/or completion of an alcohol awareness program for a first violation. Second, third and subsequent violations may be punishable by higher fines, more hours of community service, and other penalties. If the fraudulent identification is a New York State driver's license, the revocation of the license will be added to the above penalty.

3. No person may sell, deliver or give any alcoholic beverage to a person under the age of 21 (the law does not apply to the parent of a minor). Individuals violating this law are guilty of a "Class B misdemeanor," and may be subject to a fine not exceeding \$500 and a term of imprisonment not to exceed three months.
4. A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the "underage" person is guilty of an offense and is subject to a fine of not more than \$200 and imprisonment not to exceed five days, or both.
5. Any person who shall be injured in person, property, means of support or otherwise by reason of intoxicated person, or by reason of the intoxication of any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and any such person shall have the right to recover actual damages.
6. Any person who shall be injured in person, property, means of support or otherwise by reason of intoxication or impairment of any person under the age of 21 years old shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.
7. Any event or function at which alcoholic beverage(s) are being sold or, an admission fee or donation is charged or requested, requires a license from the state.

#### **H. New York State Law and Sanctions Governing Illicit Drugs**

##### **Marijuana**

Article 221 of the Penal Law of the State of New York deals with offenses involving marijuana. In total, there are 12 subsections which deal with the definition, possession and sale of marijuana. Possession of marijuana in any amount is illegal. Sale of marijuana will, at a minimum, be considered a misdemeanor and, at maximum, will be considered a "Class C felony," carrying with it a minimum jail sentence from five to fifteen years. Convictions under these laws results in a permanent criminal record which may have a serious impact on an individual's future educational or professional plans.

##### **Controlled Substances**

Section 220 of the Penal Law defines "Controlled Substances," including narcotic drugs, narcotic preparation, hallucinogens, stimulants, depressants and concentrated forms of cannabis. Individual sections of the law deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is a felonious offense and may result in a lengthy jail sentence. Criminal possession of a controlled substance in the seventh degree is a misdemeanor, but all other subsections of Section 220 of the Penal Law classify these offenses as felonies. In New York State, felonies are ranked from category A-1, the most

serious, to category E, the least serious. First offenders convicted of a category A-1 felony are subject to a minimum sentence of from fifteen to twenty-five years and a maximum of life imprisonment. At the other end of the scale, for the first offender, category E felony convictions carry with them a jail sentence of from one to three years, with a maximum of three to four years. First-degree criminal sale or possession of controlled substances is placed in the same category as first degree arson, first degree kidnapping, or first-or-second degree murder.

### **I. Health Risks Associated with Alcohol and Drug Use/Abuse**

**Alcohol.** Alcohol consumption can cause a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

**Cannabis (Marijuana, Hashish).** The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

**Hallucinogens.** Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

**Cocaine/Crack.** Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

**Amphetamines.** Amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

**Heroin.** Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

### **J. Substance Abuse Prevention Program:**

1. The College provides training on alcohol and drug abuse prevention to all new

undergraduate students either through face to face sessions or online programming. The Office of Residence Life also offers programming over the course of the academic year that addresses substance abuse issues for resident students.

2. The “Late Knight” Programs via the Office of Student Life are Alcohol/ Drug Free Alternative Programs.
3. Students may seek assistance with issues surrounding substance abuse at the Counseling Center which provides free short-term psychological services to students, and provides consultation and referral to community services as appropriate for chronic, long-term issues. All counseling is strictly confidential in accordance with established professional guidelines. Services are provided or supervised by licensed professionals. The Center is a training site for masters and doctoral students from related professional fields.
4. The College has contracted an independent agency to provide an Employee Assistance Program (EAP). The goal of the program is to help individuals and, when necessary, their families to resolve issues which may have a negative impact on job or school performance. It is a confidential service designed for the use of employees at Saint Rose. The EAP provides early identification, motivation, referral to treatment and follow-up of employees experiencing a deterioration of work performance. The EAP can address such issues as alcoholism, alcohol/substance abuse, emotional problems, stress, depression and marital/family problems. Resource people may be able to help on their own or may refer you to a specialized professional agency. The EAP is a voluntary program.

## **Sexual Harassment and Misconduct Policy Statement**

The College of Saint Rose is committed to creating and maintaining a safe environment for all of its students and employees. All forms of sexual misconduct offenses and other non-consensual sexual contact by members of the Saint Rose community will not be tolerated by the College and represent a violation of College policy and the law. Violation of the College's Sexual Harassment and Misconduct Policy will result in the responsive action, as prescribed under Title IX including investigation of what occurred; action to stop the prohibited conduct; remedial support for the victim of the conduct and, as necessary, for the broader community; and action to reasonably prevent the re-occurrence of the behavior. This may result in possible suspension, dismissal or termination from the College.

A full copy of the College's Sexual Harassment and Misconduct Policy is at the end of this Annual Security Report as Appendix A and is available on the College's website at [www.strose.edu/titleix](http://www.strose.edu/titleix).

## **Emergency Response and Evacuation Procedures**

The College is committed to providing a safe educational and work environment. One measure of an organization's strength is its ability to respond well in an emergency. Since every emergency scenario cannot be predicted, an emergency response plan must be able to quickly adapt to events as they unfold. The following Emergency Response Plan (ERP) designates areas of responsibility and defines for The College of Saint Rose (the "College") the framework necessary to respond to emergency situations.

The purpose of an ERP is to provide an effective means of communicating contingency and emergency plan responses and evacuation procedures to all campus constituencies in the event of natural, man-made or other disasters and potential emergencies. At this time, the College's notification system is to the entire College community and not to individual segments. The implementation of an emergency action plan is essential to ensuring the safety and well-being of students, faculty, staff and visitors. Unforeseen events of all types occur despite all efforts to prevent them; therefore, it is necessary to develop effective emergency procedures to respond to these situations.

Campus officials and responding organizations should know what is expected of them when emergency responses are necessary. Being aware of one's responsibility in emergency situations will increase the likelihood of responding to critical situations effectively and efficiently.

### **I. Comprehensive Emergency Management Process**

Emergency management is a continuous process, which includes activities to prevent occurrences and includes planning and response activities to ensure that the College is prepared to respond to and recover from occurrences.

#### **A. Planning, Prevention, and Mitigation**

Planning refers to the periodic risk assessment of potential hazards at the College, plus a historical review of emergency situations in the area, which inform the development and refinement of an ERP. Planning activities should also include discussions with off-campus providers of emergency services, such as local emergency responders. The plan should also include contingency planning for critical services and incident recovery, including cleanup.

Prevention refers to those short or long-term activities that eliminate or reduce the number of occurrences of emergencies and disasters.

Mitigation refers to all activities that reduce the effects of emergencies and disasters when they do occur.

#### **B. Response**

Most response activities follow the immediate impact of an emergency or disaster. Generally, they are designed to minimize casualties and protect property to the extent possible through emergency assistance. They also seek to reduce the probability of secondary damage and to speed recovery operations.

A response is required when:

- The College is damaged or exposed in some way
- Evacuation or special sheltering of all or part of the College may be required because immediate and ensuing threats are uncontrollable

Response activities include:

- Assessing and monitoring the hazard
- Alerting and warning endangered populations
- Alerting response forces to stand by
- Evacuating or special sheltering of threatened populations
- Dispensing and/or relocating critical equipment and resources

### C. Recovery

Recovery activities are those following an emergency or disaster to correct adverse conditions, and to protect and return the quality of life to the campus.

Recovery activities will include measures to:

- Prevent or mitigate a reoccurrence of the emergency
- Implement contingency plans
- Provide psychological support
- Address public health needs
- Activate support services such as the American Red Cross
- Reinstate College services
- Restore private and public property
- Repopulate evacuated areas

## II. Levels of Emergencies

Emergencies can occur on many levels. The emergency response may be as simple as a departmental response to repair a building component or complex involving the coordination of multiple campus operations and community response organizations.

The College has adopted a three tier system of incident severity levels to structure the College response.

### A. Level I – Minor Emergency

A Minor Emergency situation involves an event that is occurring or may occur that could negatively affect one or more College students, employees or visitors. The response may involve calling in personnel and notifying the department where the problem occurred.

These situations are characterized by the following:

- No immediate danger or emergency exists, but the potential is present
- The incident appears to be of short duration
- The situation is limited in scope, such as a broken water pipe, and can be managed by the appropriate administrative area of the College

- The situation is usually a one dimensional event that has a limited duration and little impact to the campus community beyond those using the space/building in which it occurred

Examples of a Minor Emergency situation include, but are not limited to:

- A severe storm watch issued by the National Weather Service
- A fire or hazardous materials incident within two (2) miles of an owned/leased facility
- A minor building system problem
- A local power outage
- A minor fire at the College confined to a small area with no hazardous material exposure
- Minor chemical or fuel spills at the College
- A loss of heat and/or electricity to a single building, which is expected to last no longer than a few hours

### B. Level II - Major Emergency

A Major Emergency situation indicates a risk exists or a situation is about to occur that will impact one or more of the College buildings, students, and/or employees. The presented risk requires that a preparatory status be adopted.

A Major Emergency situation is characterized by the following:

- The potential danger is real and College personnel should be prepared to react
- The situation has the potential for expanding beyond a specific physical area
- The situation may continue for an extended period
- Resolving the situation may require a response by multiple College departments and/or response by an outside agency

Examples of a Level II situation include, but are not limited to:

- A severe storm warning issued by the National Weather Service
- A major fire or hazardous materials incident within one-half (1/2) mile of a College owned facility
- A major building system failure

### C. Level III - Disaster

Disaster Level situations impact a sizable portion or all of the campus and/or outside community. These situations tend to be people focused. Responses to these emergencies often require considerable and timely coordination both within and, at times, outside of the College. A Disaster Level indicates that a situation is occurring and requires a response by the College.

A Disaster Level situation is characterized by the following:

- College students, employees and visitors are in danger and/or facilities and equipment are at risk; immediate action is necessary
- The incident is on College property, or it is off College property but close enough to affect a facility or involve College students, employees or visitors

- The situation requires the coordination of College resources or coordination with outside agencies

Examples of a Disaster situation include, but are not limited to:

- A fire or hazardous materials incident occurring at a College facility
- A major storm or weather event that is causing or has caused injury/damage
- Active shooter
- Death on campus
- Serial sexual assaults
- Hate crimes
- Bomb threats
- Extended power outage
- Contagious disease outbreak

### III. Entities Involved in the College Response

#### A. Incident Commander (IC)

The first arriving College official at an emergency will assume Incident Command until relieved by appropriate emergency first response personnel or when relieved by the IC appointed by the Emergency Management Team as noted below. The Incident Commander function is frequently assumed by a member of the College's Safety and Security Department.

Priority tasks include:

- Limit the growth of the incident
- Ensure the safety of the community and first responders
- Stabilize the scene
- Determine threat level
- Establish communications and control
- Identify any "danger zones"
- Establish an inner perimeter to secure the "danger zone"
- Establish an outer perimeter to control access to the entire scene
- Establish a staging area
- Request needed resources

#### B. Emergency Management Team (EMT)

The EMT provides strategic oversight to the College's emergency response. The EMT makes policy determinations regarding response actions. A current list of EMT members by position is available at <https://www.strose.edu/campus-offices/security/emergency-response-plan/>.

Certain individuals within the EMT are identified as "conveners." A convener is an EMT member with the authority to activate the College response to an emergency as follows:

- determine/confirm the level of emergency
- determine whether to convene the EMT and/or Emergency Operations Group (EOG)
- setting the direction as to how the emergency will be managed

- making key executive decisions
- notify the President

The role of the EMT includes:

- Determine if "state of campus emergency" is necessary (not necessary)
- Assign individuals from available personnel to assist with the additional evacuations
- Based on the severity and extent of the emergency determine whether to recall evacuated personnel or release them.
- Appoint an Incident Commander (IC) to lead the operational response to the emergency. The IC may be a member of the EMT or EOG or College employee outside of these groups and is the individual with primary responsibility for implementing the College response to the emergency
- Convene the EOG (see below) if necessary
- Notify students/employees of the emergency condition via the emergency notification system, the emergency blue light public address system and/or building public address system(s) where available
- Approve overall priorities & strategies
- Approve public information reports & instructions
- Gather information for Public Relations so that College statements for the media can be prepared. Ensure that electronic and print media services are available and operational for use by Public Relations
- Provide for counseling and spiritual intervention
- Liaison with governments & external organizations

### C. Emergency Operations Group (EOG)

The EOG provides operational oversight to the College's emergency response. The EOG includes representatives from Finance, Facilities, Spiritual Life, Residence Life, Risk Management, Student Affairs, and Security.

The role of the EOG is to:

- Request that additional College employees be temporarily assigned to the EOG if necessary
- Gather, confirm and evaluate incident information
- Develop an incident action plan to resolve specific priority situations
- Ensure the facilities manager has overseen the shutdown of necessary equipment
- Determine the College needs for temporary class, faculty, business operations space and/or housing
- Report findings and action plan to the EMT
- Request additional resources as needed
- Identify resource needs and shortfalls
- Reassign/deploy individuals in support of critical needs
- Serve as link to local, state, and federal emergency coordination centers

#### IV. Outside Agencies and Response Coordination

The local government and emergency service organizations play an essential role as the first line of defense in responding to some high-impact emergencies. Some emergencies will initiate an immediate response for outside agencies and, in other scenarios, the College may request the involvement of outside agencies. In responding to an emergency or disaster, the College will initially rely on the full use of the College's facilities, equipment, supplies, personnel, and resources, as well as the resources of private entities (e.g. contractors).

When an emergency or disaster is beyond the local management capability of the College and local resources are inadequate, the President may obtain assistance from other political subdivisions or other governmental agencies with jurisdiction.

The EMT has the authority to direct and coordinate campus disaster operations and may subrogate this authority to an outside agency. Alternately, in disaster level scenarios, outside agencies will typically exercise their authority to assume command and control of the emergency response. In this scenario, the EMT and/or the College's designated IC will be the primary liaison with the outside agency. Outside agencies, which may exercise command and control, include the Albany Fire Department, the Albany Police Department, County or State Health Departments, as well as the state or federal emergency management offices.

The College maintains Memoranda of Understanding with both the Albany Police Department and the University Police Department for the University at Albany, both of whom have jurisdiction on the College's campus. Campus Security maintains a highly professional working relationship with both of these law enforcement agencies.

#### V. Additional Roles and Responsibilities

Additional offices are expected to assume various roles at the request of the EOG in an effort to provide a coordinated response to an emergency. In some circumstances, the EOG may direct employees to assume temporary roles outside the normal scope of their duties. In these situations, the EOG will consider the skills and abilities of individuals to carry out those temporary roles prior to making the assignment. Any employees in departments that do not have specific roles related to the emergency response will become part of a "pool" of reserve personnel to assist as assigned by those coordinating the specific emergency.

#### VI. Training

Proper training is a key element enabling administrators to respond to emergency situations. Effective emergency management includes interaction between campus officials and local emergency responders. Emergency plans should be in place and rehearsed internally through "tabletop" exercises with key campus personnel and local emergency responders to ensure their ability to function in the event of an actual emergency or disaster. The EMT schedules tabletop exercises to allow the members of both the EMT and EOG to apply the knowledge gained from actual experience and prior training to simulated emergency situations.



































**All of these buildings have smoke detectors and sprinkler and fire alarm systems. Four fire drills are performed in each building annually. Further, no fires were reported in any of these residence halls during calendar year 2016.**

**Fire Drills:**

The College performs a minimum of four fire drills per year in all student residences as required by the NYS Uniform Fire Prevention and Building Code and by the NYS Education Department. All drills are supervised with the results tabulated and evaluated for proficiency. The College performs a minimum of three fire drills per year in all other buildings.

**Reports of Fires:** All fires, whether known or suspected, should be reported to Security immediately.

**Policies on Items Allowed in Residence Halls:**

- Smoking shall not be permitted in any enclosed place, including private residential space within college housing. Smoking shall also not be permitted in the seating areas of outdoor arenas, stadiums, and amphitheatres, or in bleachers and grandstands used for spectators at sporting and other public events.
- Hot pots, electric coils, sun lamps, air conditioners, heaters, or any heat producing cooking appliances are prohibited. Electric percolators, halogen lamps, lava lamps, and any electrical appliance used to cook food is prohibited in the residence halls. Microwaves are permitted (1 per room) but may not exceed .7 cubic feet and 700 watts and must be UL approved. Refrigerators are permitted (1 per room) but may not exceed 3.1 cubic feet and 115 volts and must be UL approved. The kitchen is the primary place in the building where students are allowed to cook. Any illegal item will be confiscated and disposed of by Residence Life Staff or Security.
- The use of portable space heaters must be approved by the Director of Risk Management and must be of a type approved by an NRTL.
- Open flames such as candles are strictly prohibited.
- Power strips are allowed provided they are plugged directly into outlets and not ganged together.
- College policy requires all occupants (students and employees) to immediately evacuate the building in a fire drill, fire alarm or emergency.
- All students receive fire safety training on an annual basis.

**Carbon Monoxide Detection:** The College ensures compliance with National Fire Protection Association (NFPA) 720 on carbon monoxide detection and warning regulation requirements. Carbon monoxide detectors have been installed and inspected and are tested regularly.

**Plans for Improvements in Fire Safety:**

The College currently uses a Keltron system-a proprietary radio monitoring network system for all fire monitoring and reporting. The current Fire Alarm Master plan is reevaluated and updated as needed.

**APPENDIX A**  
**THE COLLEGE OF SAINT ROSE**  
**SEXUAL HARASSMENT AND MISCONDUCT POLICY**

**I. Policy**

The College of Saint Rose (the “College”) is a private, independent, coeducational institution that reflects the values and heritage of our founders, the Sisters of St. Joseph of Carondelet. The values instilled by our founders include: creating an inclusive community, responding to the needs of the times, educating the whole person, and striving for excellence in all endeavors.

The College is committed to creating and maintaining a safe environment for all of its students and employees. All forms of sexual misconduct offenses and other non-consensual sexual contact by members of the Saint Rose community will not be tolerated by the College and represent a violation of College policy and the law. Violation of the College’s Policy on Sexual Harassment and Misconduct will result in the responsive action, as prescribed under Title IX including investigation of what occurred; action to stop the prohibited conduct; remedial support for the victim of the conduct and, as necessary, for the broader community; and action to reasonably prevent the re-occurrence of the behavior. This may result in possible suspension, dismissal or termination from the College.

This Policy applies regardless of race, color, religion, creed, ethnicity, national origin, gender, age, sexual orientation, gender identity or expression, familial status, veteran status, disability, predisposing genetic characteristics, domestic violence victim status or other basis identified in federal or state law.

**II. Scope of Policy**

This Policy applies to all concerns and complaints brought by the College’s students against any of the College’s students, employees, and campus visitors. This Policy applies on all property owned by the College, on all property at which the Colleges holds educational programs or activities, and on all airplanes, buses, or other vehicles used to transport the College’s students. This policy applies to all of the College’s educational programs and other activities whether they are held on or off campus.

Employees who have concerns or complaints about sexual harassment should follow the College’s Policy on Non-Discrimination and Unlawful Workplace Harassment for Employees. <http://assets.strose.edu/Hr/Nondiscrimination.pdf> .

**III. Definitions**

**A. Affirmative Consent:**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does

not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

1. 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.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

#### **B. Incapacitated Sex:**

To have sex with someone whom you know to be, or reasonably should know to be, incapable of making a rational, reasonable decision about a sexual situation is a violation of College's Code of Conduct and New York State Law. Incapacity to make rational decisions about a sexual decision might result from the taking of a date rape drug, other drugs, alcohol, or as a result of illness. Intoxication on the part of the initiator is not an excuse for the violation of this policy or the law.

#### **C. No Contact Order:**

An interim protection measure where the College's Department of Safety and Security prohibits a student, employee or third party from contacting another student, employee or third party on campus when there is a behavior that represents a risk of violence, threat, pattern, or predation.

#### **D. Order of Protection:**

An order of protection is issued by a court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence.

#### **E. Relationship Violence:**

A pattern of abusive behavior that one person uses to obtain and maintain power and control over their intimate partner. Physical and/or sexual abuse may or may not be present. Coercive control is always present. Relationship Violence is purposeful and systematic, involves a fixed imbalance of power that has been created over time, and is driven by a sense of entitlement.

#### **F. Responsible Employees:**

Responsible Employees are mandatory reporters and include all employees (faculty, administrators, and staff) as well as student employees such as Resident Assistants, unless exempted as outlined in the Confidential and Privileged Reporting section of this Policy below. As mandatory reporters, Responsible Employees are required to report all details of an incident of sexual misconduct, including the identity of the victim and the perpetrator, the date and location of the incident and details regarding the incident if known, to the appropriate office for purposes of initiation of an investigation and appropriate action. Responsible Employees are trained to provide information and support and appropriate referral to confidential or private reporting resources. Responsible Employees are also required to provide Clery Act statistical information and/or information for a Timely Warning as warranted. Any failure to report an incident of sexual misconduct may result in disciplinary action being brought against the Responsible Employee, up to and including termination of employment.

#### **G. Sexual Misconduct:**

1. **Non-Consensual Sexual Contact:** Any intentional sexual touching without effective consent. This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of a person upon another person, as well as the touching of another with any of these body parts, without effective consent; or other intentional contact of a sexual nature without consent or after consent is withdrawn.
2. **Non-Consensual Sexual Intercourse:** Any sexual intercourse or penetration (anal, oral, or vaginal) however slight, with any object or body part, by a person upon another person without effective consent or after consent is withdrawn.
3. **Forced Sexual Intercourse:** Any sexual intercourse (anal, oral or vaginal), by any object or body part, by a person upon another person, that occurs as a result of force. The prohibited force may be physical in nature, or represented by threats, intimidation or coercion. Intercourse obtained by any form of force impacts the free will of the victim and thus removes the opportunity for effective consent
4. **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another for his/her own advantage or benefit, even though that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:
  - a. Non-consensual video or audio taping of sexual activity.
  - b. Stalking with a sexual component. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site as well as physical

stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature sexual misconduct has occurred.

- c. Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure or engages in non-consensual video or audio taping of sexual acts. Although the source for the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the unaware student.
  - d. The disrobing or exposure of another person without their consent.
  - e. Inter-personal or intimate partner violence (relationship violence)
5. **Sexual Harassment:** Sexual harassment is defined under this policy as severe or persistent or pervasive and objectively offensive unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature that limits or denies a student's ability to participate in or benefit from the college's educational programs or activities, or creates a hostile working environment. when:
- a. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's academic or other advancement (quid pro quo harassment);
  - b. Submission to, or rejection of, the conduct is used as the basis for academic decisions affecting the individual (quid pro quo harassment); or
  - c. The conduct has the effect of unreasonably interfering with a person's work, professional or educational performance, productivity, physical security, participation in living arrangements; or extracurricular activities, academic or career opportunities, services or benefits—or of creating an intimidating, hostile, or offensive learning environment.

## **H. Sexual Violence:**

The term used to include all sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking.

## **I. Stalking:**

Stalking is an unwelcome pursuit. It is an effective tactic of control exerted by one party upon another. When gender is the basis for the stalking behavior, it would be a violation of the Saint Rose Sexual Harassment and Misconduct Policy. It is also a crime that can cause fear without physical injury as it has no real identified beginning and seemingly no end. Stalking often leads to physical contact and is generally on a trajectory toward violence. Stalking often includes the use of technology such as phones, texting, cameras, social networking sites, and email.

## **J. Preponderance of the Evidence:**

This standard of evidence means that there must be a determination of whether the alleged sexual

misconduct “more likely than not” to have occurred or 51% likely to have occurred.

**K. Title IX Coordinator**

1. The Title IX Coordinator manages the College’s response to reports of gender inequity and discrimination, which includes reports of sexual violence including, but not limited to, sexual assault, sexual harassment, dating violence, domestic violence, and stalking. Informed by current federal and state law and guidance, the Title IX Coordinator aims to ensure that the College’s responses promptly and effectively stop problem behavior, prevent its recurrence, and remedy its effects.
2. The Title IX Coordinator’s responsibilities include:
  - a. Overseeing the College’s response to gender discrimination, which includes all forms of sexual violence, to ensure prompt and equitable resolution of all complaints.
  - b. Providing a central place to report an incident and overseeing the reporting process.
  - c. Providing information about College policies and procedures.
  - d. Providing referrals to campus and community resources and victim advocates.
  - e. Facilitating accommodations to address safety concerns and to support victims and complainants so that academic and professional pursuits may continue unimpeded.
  - f. Collaborating with community partners to assist with a resolution that balances the needs of the individuals involved with those of the larger community.
  - g. Keeping records to ensure patterns of behavior are identified.
  - h. Overseeing investigations of misconduct to ensure fairness, impartiality, and equity.
  - i. Coordinating and providing training, education, and prevention programs for the entire College community.
3. The Title IX Coordinator receives and responds to gender equity and sexual violence concerns. In addition to the Title IX Coordinator, the Deputy Title IX Coordinators have the responsibility for either coordinating the College’s Title IX compliance efforts and/or assisting in sexual misconduct investigations in collaboration with the Title IX Coordinator. Collectively, the Title IX Coordinator, Deputy Title IX Coordinators, and Trained Investigators serve as the College’s Title IX team. The Title IX Team is charged with handling known instances of gender based misconduct or sexual violence with fair and efficient processes that are intended to support the entire College community.

Title IX Coordinator	Dennis McDonald Vice President for Student Affairs Events and Athletic Center, Room 210 420 Western Ave. Albany, New York 12203 <a href="mailto:mcdonald@strose.edu">mcdonald@strose.edu</a> (518) 454-5170
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Deputy Title IX Coordinators	Rita McLaughlin Assistant Vice President for Student Affairs Events and Athletic Center, Room 210 420 Western Ave. Albany, New York 12203 <a href="mailto:mclaughr@strose.edu">mclaughr@strose.edu</a> (518) 454-5170
	Jeff Knapp Associate Vice President for Human Resources Cabrini Hall 399 Western Ave. Albany, New York 12203 <a href="mailto:knappj@strose.edu">knappj@strose.edu</a> (518) 454-5138

**L. Trained Investigators:**

The College has identified members of the Administration who have gone through extensive training to serve as investigators of Sexual Misconduct complaints. The investigators receive annual training on issues related to:

1. The four types of cases: domestic violence, dating violence, sexual assault, and stalking, as well as other forms of sexual misconduct as outlined in this policy.
2. How to conduct an investigation “that protects the safety of victims and promotes accountability”.
3. How to conduct an investigation (hearing) “process that protects the safety of the victim and promotes accountability”.

**M. Verbal Assault:**

Verbal Assault, without accompanying physical contact, is not sexual assault, but may fit the criteria for sexual harassment. Sexual harassment is also prohibited by the College’s Code of Conduct.

**IV. Information and Resources for Victims of Sexual Violence**

**A. If you are the victim of sexual violence:**

1. Get to a safe place - a friend’s house or any place where people can give you emotional support and physical care. Call the Rape Crisis Hot Line.
2. Do not clean up. It may be difficult to keep from cleaning yourself up, but if you do you may destroy evidence that could be useful should you decide to report the assault to the police. Don’t wash up, douche, change clothes, eat, brush your teeth, go to the bathroom

or brush your hair. Even if you are not sure about reporting the assault, it makes sense to preserve the option of reporting until you make a final decision.

3. Seek medical help immediately for the treatment of any injuries and for tests to check the possibility of pregnancy or sexually transmitted diseases. If you do plan to report the incident to authorities, there is an additional reason to seek medical attention. Medical evidence can be collected. Don't douche, bathe, shower or change your clothes before seeking medical attention
4. Report the incident to a campus counselor or victim advocate if you feel comfortable doing so.
5. Seek counseling, whether or not you decide to report the crime or participate in legal action. Professional counseling is available through the Counseling and Psychological Services Center at The College of Saint Rose. Counseling can be beneficial as you work through your reaction to sexual misconduct
6. You may also choose to file a report with campus security, the Albany Police Department, or the NYS Police. This is your decision. (See "Procedures for Dealing with Sexual Offenses" Section).
7. If you wish, file a complaint with the Student Conduct Office, if the accused person is part of The College of Saint Rose community. An investigation for appropriate disciplinary action under the College's prohibition against sexual misconduct will occur with the Student Conduct Office.
8. Tell your story soon to avoid forgetting details. Alternatively, write out the details for yourself or use a tape recorder.
9. Take whatever steps are necessary to work through the incident/assault. This might include talking to your partner, friend or counselor about your feelings. Resume your normal routine as much as possible.
10. Go with your instincts. Whatever you decide to do is a decision you must feel comfortable with. Your goal is to survive and escape safely. You will react to the crime in the way that makes the most sense to you at the time.

## **B. Students' Bill of Rights:**

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;

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

### **C. Ways to Protect Yourself:**

There are some practical steps you can take that may decrease the risk of sexual assault.

1. Express your expectations and limits clearly before you get into a sexual situation.
2. Limit alcohol and drug use. They make it more difficult for you to be in control. Never ride with someone who has used alcohol or drugs.
3. Avoid meeting in secluded places and walking alone. If you are concerned, ask campus security to escort you.
4. Try to be aware of attitudes that your date expresses concerning women or men: hostility, unrealistic views of women or men and/or viewing people as "sex objects."

5. Use assertive language such as, "I feel uncomfortable when you don't listen to me or when you touch me like that."
6. Scream "fire" (rather than "rape" or "help"), if you need assistance.
7. Be alert to what is happening around you.

**D. To reduce your risk for being accused of sexual misconduct:**

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
2. Understand and respect personal boundaries.
3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

**E. Resources:**

There are trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation:

1. On-Campus:

On Campus Health Provider and Contact	Sandra Frese
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Information:	Health Services 190 Partridge St., Albany, NY 12203 (518)454-5244 Hours: 8 am – 5 pm
On Campus Mental Health Care Provider and Contact Information:	Dr. Jay Hamer 947 Madison Ave, Albany, NY 12203 (518) 454-5200
On Campus Pastoral Counselor and Contact Information:	Joan Horgan Hubbard Interfaith Sanctuary 959 Madison Ave. Albany, NY 12203 (518) 454-5250

2. Off-Campus:

Off Campus Resource for Mental Health and Advocacy:	Albany County Crime Victims and Sexual Violence Center 112 State St., Albany, NY 12207 24-Hour Sexual Assault Hotline: (518) 447-7716
Off-Campus Domestic Violence Services:	Equinox – Domestic Violence Services 95 Central Ave., Albany, NY 12206 24 Hour Hotline – (518) 432-7865
Health Care Providers, Sexual Assault Nurse Examiners (SANE), Rape Kits:	St. Peter’s Hospital Manning Blvd., Albany, NY 12208
	Albany Medical Center New Scotland Ave., Albany, NY 12208

**V. Criminal Complaints:**

In addition to filing an internal complaint, students may file a – criminal complaint with local law enforcement officials. The College is not involved in that process, but will assist a student in filing a complaint if they so desire. Criminal complaints can be filed with the following agencies:

Albany Police Dept., Western Ave., Albany, NY 12203  
(518) 438-4000

University at Albany Police Department, 1400 Washington Ave., Albany, NY  
(518) 442-3130

NYS Police 24 hour hotline  
1 (844) 845-7269

**VI. College Complaint Process:**

**A. Filing an Institutional Complaint:**

1. Once the College is in receipt of a complaint, the College will initiate an investigation in accordance with this Policy. Every effort will be made to maintain the privacy of the individuals involved in a complaint under this Policy and will only be shared with others who need to know in order to investigate a complaint and/or seek a resolution.
2. Students who wish to file an internal complaint under this Policy should contact one of the following:

Title IX Coordinator	Dennis McDonald EAC, Room 210 420 Western Ave., Albany, NY 12203 (518) 454-5170
Student Affairs	Student Affairs, EAC, Room 210 420 Western Ave., Albany, NY 12203 (518) 454-5170
Campus Safety & Security	Campus Safety & Security 340 Western Ave., Albany, NY 12203 (518) 454-5187

3. Student Reports to Responsible Employees – Responsible Employees are mandatory reporters by law and policy. Accordingly, reports made to Responsible Employees will be relayed to the College’s Title IX Coordinator who will initiate an investigation by the College in accordance with this Policy. Even if a student does not want the College to initiate an investigation, once it is reported to a Responsible Employee, the College, through the Title IX Coordinator, will weigh any request for confidentiality against the College’s obligations to provide a safe, non-discriminatory environment for all members of the College’s campus and community.
4. Privileged and Confidential Reporting – Either as an alternative to the reporting options listed above or in lieu of reporting sexual misconduct to the individuals or offices listed above, students may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or pastoral counselors. While criminal complaints, institutional complaints, and reports to Responsible Employees likely will result in the initiation of an investigation, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to his or her self or to other, or there is a continuing threat to the health and safety of the College community. (see Page 6 for list of confidential resources)

5. **Anonymous Reporting** - Anonymously disclose a crime or violation to the Safety and Security through the anonymous tip line (518) 454-5275. The College may have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.

#### **B. Protection and Accommodations for All Involved Parties:**

Individuals reporting sexual misconduct and individuals accused of or responding to allegations of sexual misconduct are afforded the following protections and accommodations:

1. When the accused or respondent is a student, to have the College issue a "no contact order" consistent with the College's policies and procedures, whereby continued intentional contact with the protected person would be a violation of College policy and result in additional conduct charges. If the accused and a protected individual observe each other in a public place, it shall be the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused and the protected person may request a prompt review of the need for and terms of a No Contact Order, consistent with College policies and procedures, including potential modification. The requesting party may submit evidence in support of their request. The College may establish an appropriate schedule for the accused to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the protected person.
2. To be assisted by the College's security office in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order;
3. To receive a copy of the order of protection or equivalent when received by the College and have an opportunity to meet or speak with an College official who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person(s).
4. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
5. To receive assistance from campus security in effecting an arrest when an individual violates an order of protection or, if campus security does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such an order, provided that nothing in this article shall limit current law enforcement jurisdiction and procedures.
6. When the accused is a student and presents a continuing threat to the health and safety of the community, to subject the accused to interim suspension pending the outcome of a conduct process. Parties may request a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, in accordance with procedures set forth in Student Responsibility and Social Conduct, and shall be allowed to submit evidence in support of their request;

7. When the accused is not a student but is a member of the College's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable union contracts, employee handbooks, and rules and policies of the College;
8. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, immigration or visa assistance or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with the College's policies and procedures. Parties may request and consistent with the institution's policies and procedures, be afforded a prompt review of the need for and terms of any interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of their request.

### **C. Initial Remedial Actions:**

1. The College will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, misconduct, or retaliation. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.
2. The College will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassment, misconduct or retaliation.
3. The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

### **D. Immunity from Campus Conduct Process:**

The College strongly encourages the reporting of incidents of sexual misconduct. The health and safety of every student at the Institution is of utmost importance. The College of Saint Rose 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 Institution'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.

#### **E. Handling Reports of Sexual Misconduct:**

1. Reports should be filed as soon as practicable after an incident of alleged sexual misconduct. The complainant is encouraged to provide as much of the following information as possible:
  - a) the name of the person or persons allegedly responsible for the action; if a College employee the department and position of said person(s); if a student the address of that person, if known.
  - b) a description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
  - c) the alleged effect of the incident(s) on the complainant's position, academic standing or other conditions of enrollment (student status);
  - d) the names of other individuals who might have been subject to the same or similar action;
  - e) the steps the complainant has taken to try to stop the behavior; and
  - f) any other information the complainant believes to be relevant to the complaint.

2. Investigation Process:

- a) The Title IX Coordinator is responsible for ensuring that an impartial investigation begins within a reasonable time after a complaint has been filed. The College of Saint Rose attempts to complete investigations within sixty working days. In certain circumstances the investigation time frames may need to be extended and the Title IX Coordinator has full authority to extend or modify all time frames set forth in this Policy. In such instances, all parties to the complaint will be notified.
- b) Upon receipt of a complaint, the Title IX Coordinator will open a formal case file and assign one of the Trained Investigators who will direct the investigation and confer with the Title IX Coordinator on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions.

In most cases, one of the Trained Investigators conducts the investigation. However, the Trained Investigator might work cooperatively with another designated employee or individual external to the College, as determined by the Title IX Coordinator. Throughout the investigation, a designee from a College office shall accompany the investigator during all interviews with the complainant, respondent and witnesses so that information obtained during the interviews can be corroborated. In certain cases, the College may appoint a third party to conduct the investigation. Witnesses will be strongly encouraged not to disclose the fact that they have been interviewed or the nature of the inquiry to others in order to maintain the integrity of the investigation.

- c) Preliminary Review: The investigator will take the initial following steps:

- 1) Determine the identity and contact information of the complainant (whether that is the alleged victim, the individual who filed a College Incident Report, or a College representative).
  - 2) In coordination with the campus Title IX Coordinator, initiate any necessary remedial actions.
  - 3) Meet with the complainant to obtain details of the incident and provide information regarding resources, academic accommodations, and interim measures that might be available.
  - 4) Identify the policies allegedly violated and other key issues (e.g. power differential, alcohol/drug involvement).
  - 5) Conduct a preliminary investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint.
  - 6) If there is insufficient evidence to support reasonable cause, the complaint should be closed with no further action. If there is sufficient evidence to support reasonable cause, the investigation will proceed to step e) below.
- e) Full Investigation: Upon determining with the Title IX Coordinator that there is sufficient evidence for a full investigation, the investigator shall:
- 1) Prepare the notice of charges and provide a copy to the complainant and respondent.
  - 2) Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan in consultation with the Title IX Coordinator, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses including the complainant and the respondent.
  - 3) Complete the investigation promptly, and without unreasonable deviation from the intended timeline.
  - 4) At the conclusion of the investigation, draft and submit a detailed written report which includes the following components:
    - A summary of the complaint;
    - A summary of the response by the individual charged with the harassment;
    - A summary of the statements and evidence obtained during the investigation;
    - A recommendation on whether a violation of this Policy occurred based on a Preponderance of the Evidence standard and an explanation to support the finding. If a violation occurred, the recommendation must include a statement about the severity of the violation;
    - A summary of prior settlements or substantiated complaints against the respondent;
    - A recommendation as to the disciplinary action to be taken, if necessary.
  - 5) If the decision is that the respondent is found not responsible for the charges filed against him/her, the investigator shares that outcome with

both the complainant and the respondent simultaneously and either party has the right to appeal in accordance with the Appeal Process section of this Policy.

f) Decision Process: If the investigator finds that the respondent violated this Policy, the process is as follows:

1) If the respondent is a student:

- a. The investigator will share the findings with the complainant and update the complainant on the status of the investigation and the outcome.
- b. The investigator will present the findings to the respondent who may accept the findings, reject the findings, or accept the findings in part and reject the findings in part.
  - If the respondent accepts the findings, the investigator and Title IX Coordinator will decide upon the sanction(s) to be applied. Both the complainant and the respondent will be provided with the opportunity to submit impact statements prior to the discussion on the sanction(s).
  - If the respondent rejects the findings in whole or in part, the Student Conduct Office (SCO) will convene a hearing under its ordinary procedures.
    - i. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The investigator may be asked to provide additional evidence.
    - ii. The hearing will determine whether it is more likely than not that the respondent violated this Policy.
    - iii. If the SCO determines that the respondent violated this Policy, both the complainant and respondent will be given the opportunity to submit impact statements before issuing any sanction(s).
    - iv. The SCO will inform both parties of the outcome simultaneously and either may submit an appeal.

c. Transcript Notation

- If the respondent is found responsible for a crime of violence, as defined by the Clery Act, a notation will be made on his/her student transcript indicating that he/she has been "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation."
- If the respondent withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on his/her student transcript that he/she "withdrew with conduct charges pending." If the finding of responsibility is vacated, the notation will be removed from the student's transcript.

2) If the respondent is an employee (faculty, administrator, or staff):

- a. The investigator will share the findings with the complainant and update the complainant on the status of the investigation and the outcome. The complainant will also have an opportunity to submit an impact statement before sanctions are determined.
- b. The investigator will determine the appropriate sanctions in conjunction with the Title IX Coordinator and the Associate Vice President for Human Resources. The investigator will present the findings and sanction to the respondent.
- c. If the sanction is termination of the respondent's employment, the College will follow the applicable employee handbook or union contract.
- d. The complainant may appeal the finding and/or sanctions by following the Appeal Process section of this Policy. The respondent may file a grievance in accordance with the applicable employee handbook or union contract.

3) If the respondent is a third party:

- a. The investigator will share the findings with the complainant and update the complainant on the status of the investigation and the outcome.
- b. The investigator will determine the appropriate sanctions in conjunction with the Title IX Coordinator and the Associate

Vice President for Human Resources. The investigation will present the findings and sanction to the respondent. The sanctions may include a permanent no-contact order and barred from the College's campus, including any future employment and or educational opportunities.

- c. If the respondent is employed by a contractor on campus, the College may require the contractor to terminate the respondent's employment in order to continue the contract.
  - d. The complainant may appeal the finding and/or sanctions by following the Appeal Process section of this Policy.
- g) Appeal Process: Complainants and/or respondents wishing to appeal decisions at various times during the handling of complaints under this Policy may submit a written petition to the SCO within two days of receipt of the decision. The SCO will share the appeal with the other party who may also wish to file a response. The SCO will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the Appeals Hearing Board for initial review to determine if the appeal meets one or more of the following grounds for appeal and is timely:
- 1) A procedural error occurred that significantly impacted the outcome of the hearing
  - 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
  - 3) The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Appeals Hearing Board finds that the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the documentation from the investigation is forwarded to the Appeals Hearing Board for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately.

#### 6. Privacy:

- a) All inquiries, complaints and investigations are treated with respect and attention to the privacy of the complainant. Information is revealed strictly on a need-to-know basis. Although the identities of the complainant and respondent are usually revealed to the respondent and witnesses, the College prohibits retaliation of any form toward any party.

- b) A copy of the investigation report and the final decision is included in the student's or employee's file only if the investigation concludes that the respondent engaged in prohibited conduct.
- c) All information pertaining to a harassment complaint or investigation is maintained by the Title IX Coordinator and the Associate Vice President for Human Resources in secure files. These secure files will be kept separate from all other human resources or student files maintained by the College, except when the investigation concludes that the complaint was reckless or frivolous.
- d) Where the respondent is found not responsible for the alleged violation(s), the investigation should be closed. When facts obtained in the investigation do not support the allegation, the investigation will be closed. If subsequently there is additional information discovered related to the allegation the investigation will be re-opened.
- e) The College prohibits retaliation in any form for complainants and witnesses.

## **VII. Non-Retaliation**

Retaliation against the individual who initiates a sexual misconduct complaint, participates in an investigation, or pursues legal action, or any witness is prohibited. This includes behavior on the part of the respondent or other related persons, including acquaintances, friends, and family members. Although independent action will be taken against anyone engaging in retaliation for making a report of sexual misconduct, the respondent is responsible for discouraging such actions and will also be held responsible to the extent of his/her involvement in the retaliation.

## **VIII. Active Bystander**

Active Bystanders are individuals who decide to intervene when they observe a situation or see actions that might be harassment or sexual violence.

### ***Some simple steps to becoming an Active Bystander:***

- **Notice the situation:** Be aware of your surroundings.
- **Interpret it as a problem:** Do I recognize that someone needs help?
- **Feel responsible to act:** See yourself as being part of the solution to help.
- **Know what to do:** Educate yourself on what to do.
- **Intervene safely:** Take action but be sure to keep yourself safe.

### ***How to Intervene Safely Using the Three D's of Bystander Intervention:***

- **Direct** – Directly intervening, in the moment, to prevent a problem situation from happening

- **Delegate** – Seeking help from another individual, often someone who is authorized to represent others, such as a police officer or campus official.
- **Distract** – Interrupting the situation without directly confronting the offender.

**Other options:**

- Call the police (911) or Campus Security 24/7: (518) 454-5187 for support.
- Or call the National Sexual Assault Hotline at 1 (800) 656.HOPE.

**IX. Education**

The College offers a number of programs over the course of the academic year, addressing sexual assault, domestic/dating violence, stalking, and related topics. A specific program is presented to all new incoming students during orientation. Further programming is offered by various offices and student organizations including residence life, the counseling center, and campus safety and security.

Pursuant to federal law, students and employees will be educated and updated about security procedures, personal safety, crime prevention and sexual assault, domestic/dating violence, and stalking in all ways that are necessary and appropriate to alert the College community. This may include: posting appropriate flyers, mass e-mail messages, placing articles in the student newspaper, classroom announcements and emergency meetings.

Program/ Activity	Description	Frequency
Orientation Presentation	Provided by Albany County Crime Victims and Sexual Violence Center and the Office of Student Affairs	Annual with first year students
HAVEN on-line program	An on-line program that addresses sexual assault, interpersonal violence, stalking and bystander intervention.	Annual with new students, new athletes, new student club officers
Alliance for Sexual Assault Prevention (campus committee)	Provides programming on sexual assault, stalking, domestic violence, bystander intervention several times a semester including tabling, speakers, and passive programming	Throughout the academic year
Escalation	A program focused on interpersonal violence with a focus on bystander intervention developed by the One Love Foundation	Several times a year
It's On Us	Activities that are provided	A week during the spring

	by the It's On Us organization	semester
New Employee Training	Title IX Coordinator and Director of Safety and Security train new employees on Title IX and Clery Act	As needed
Investigator Training	Campus investigators attend trainings that are offered in person or on-line.	At least one per semester

**X. Criminal Penalties under New York State Law:**

Article 130 of the New York State Penal Code defines sexual offenses and provides information about the penalties associated with each crime.

**A. The following are excerpts from the NYS Penal Code:**

**Sexual Misconduct:**

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or dead human body.

Sexual misconduct is a class A misdemeanor.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-20.html>.

**Rape:**

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-25.html>

A person is guilty of rape in the second degree when:

1. Being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. He or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in

subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-30.html>

A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-35.html>

### **Criminal Sexual Act:**

A person is guilty of **criminal sexual act in the third degree** when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the third degree is a class E felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-40.html>

A person is guilty of **criminal sexual act in the second degree** when:

1. Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-45.html>

A person is guilty of **criminal sexual act in the first degree** when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-50.html>

**Forcible Touching:**

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-52.html>

**Sexual Abuse:**

A person is guilty of **persistent sexual abuse** when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-53.html>

A person is guilty of **sexual abuse in the third degree** when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-55.html>

A person is guilty of **sexual abuse in the second degree** when he or she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-60.html>

A person is guilty of **sexual abuse in the first degree** when he or she subjects another person to sexual contact:

1. By forcible compulsion;
2. When the other person is incapable of consent by reason of being physically helpless;

3. When the other person is less than eleven years old; or
4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.

Sexual abuse in the first degree is a class D felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-65.html>

1. A person is guilty of **aggravated sexual abuse in the fourth degree** when:
  - (a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
  - (b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-65-a.html>

1. A person is guilty of **aggravated sexual abuse in the third degree** when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person:
  - (a) By forcible compulsion; or
  - (b) When the other person is incapable of consent by reason of being physically helpless; or
  - (c) When the other person is less than eleven years old.
2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree is a class D felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-66.html>

1. A person is guilty of **aggravated sexual abuse in the second degree** when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:
  - (a) By forcible compulsion; or
  - (b) When the other person is incapable of consent by reason of being physically helpless; or
  - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the second degree is a class C felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-67.html>

1. A person is guilty of **aggravated sexual abuse in the first degree** when he or she

inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

- (a) By forcible compulsion; or
- (b) When the other person is incapable of consent by reason of being physically helpless; or
- (c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the first degree is a class B felony.

<http://codes.findlaw.com/ny/penal-law/pen-sect-130-70.html>

## **B. Penalties:**

### **Class A Misdemeanor:**

- Imprisonment of up to one year and/or a fine of up to \$1,000

<http://codes.findlaw.com/ny/penal-law/pen-sect-70-15.html>,

<http://codes.findlaw.com/ny/penal-law/pen-sect-80-05.html>.

### **Felonies:**

- Class B felony - imprisonment of at least five years and no more twenty-five years and/or a fine of up to \$30,000
- Class C felony - imprisonment of at least three and one-half years and no more than fifteen years and/or a fine of up to \$15,000
- Class D felony - imprisonment of at least two years and no more than seven years and/or a fine of up to \$5,000
- Class E felony - imprisonment of at least one and one-half years and no more than four years and/or a fine of \$5,000

<http://codes.findlaw.com/ny/penal-law/pen-sect-70-80.html>,

<http://codes.findlaw.com/ny/penal-law/pen-sect-80-00.html>.

## **XI. College Disciplinary Sanctions**

When students are found in violation of College regulations, sanctions shall be imposed. The purpose of sanctioning is to educate a student as to why her/his behavior is inappropriate, as well as to make the student aware of and sensitive to all the possible consequences of the behavior in question. Failure to complete an imposed sanction may result in College records being placed on hold.

Sanctions for misconduct will be determined on a case by case basis, utilizing three main criteria:

- a. The nature of the offense.
- b. The precedent established at the college for similar offenses, and.
- c. The previous disciplinary history of the student, as well as the student's attitude and behavior throughout the disciplinary process.

Sanctions may be comprised of two components:

- a. An “active sanction” or educational sanction, requiring the student to complete some form of service or assignment requiring the student’s active participation.
- b. An “inactive sanction” or written sanction (Censure, Disciplinary Probation, Disciplinary Suspension, or Disciplinary Dismissal)

#### **A. Active, or Educational, Sanctions**

Student Conduct Hearing Officers are strongly encouraged to impose “active” and educational sanctions that promote learning and understanding. Among the previously established educational sanctions are:

- a. Alcohol Education Program and/or Assessment.
- b. Anger Management Program.
- c. Attendance at Educational Programs.
- d. Behavioral Contract.
- e. Conflict Management Training.
- f. Educational Service Hours.
- g. Reflective Exercises.
- h. StrengthsQuest Reflection Activity

#### **B. Inactive Sanctions**

##### 1. Censure

A censure is an official statement that the student has violated a College policy, and serves as a formal reprimand. A censure also indicates that future violations will likely result in a more serious level of sanctioning.

##### 2. Disciplinary Probation

Disciplinary Probation is a serious encumbrance on the student’s good standing in the College community, and serves as a “near removal” status. Disciplinary Probation will last at least one semester and any subsequent violations during the probationary period will be viewed as both a violation of College regulations and a violation of the probation. No more than three Disciplinary Probation sanctions shall be imposed on a student prior to that student being removed from the College community, though the student may be removed prior to this condition.

##### 3. Removal from College Housing

Removal from College Housing is a loss of the privilege of living in campus housing. Removal will be for a fixed period of time (but not less than the remainder of the semester). The student may petition the Director of Residence Life for restoration of the right to apply for campus housing.

##### 4. Interim Suspension

When the College determines that the continued presence of a student poses a substantial threat to himself or to herself, or to others, or to the stability and continuance of normal College functions, the Student Conduct Coordinator may suspend the student for an interim period. An interim suspension becomes effective immediately without prior notice. The Student Conduct Coordinator may terminate the suspension at any time prior to the outcome of disciplinary proceedings.

5. Disciplinary Suspension

Disciplinary Suspension establishes a fixed period of time during which the student may not participate in any academic or other activities of the College. At the end of the suspension period, the student may be readmitted only upon the recommendation of the Assistant Vice President for Student Affairs.

6. Disciplinary Dismissal

Disciplinary Dismissal denies the student the right to participate in any academic or other activities of the College. This is a permanent exclusion from the College community.

7. Restrictions

- a. A restriction takes away a privilege that the student may have, including but not limited to:
  - b. The ability to host guests on campus.
  - c. The ability to attend athletic and extracurricular events.
  - d. The ability to possess various types of electronic equipment in a residence hall room.
  - e. The ability to have contact with specified individuals or organizations in the college community.
  - f. The ability to participate in the room reservation process.
  - g. The ability to restrict movement on campus (including any college-owned or leased building/property).

8. Restitution.

A student may incur a monetary fine equivalent to the cost of damaged, lost, or stolen property.

9. Persona Non Grata Recommendation

In some instances, a student may be restricted from all College owned or controlled properties, or from any section of those properties. Such instances are forwarded in the form of a request to the Vice President of Student Affairs, who is authorized to make the final decision on these requests.