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Clery Report

2017 University Police Annual Security and Fire Safety Report

Albany Campus



SUNY POLYTECHNIC
INSTITUTE

Annual Security and Fire Safety Report

2017 Report – Issued September 2017

Published in compliance with United States Code Section 1092 (f) the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereinafter referred to as the Clery Act) and the Code of Federal Regulations.

As mandated by the Clery Act, colleges must prepare annual Campus Security and Fire Safety reports to the community disseminating certain policies and crime statistics for specific criminal offenses that occurred in designated geographical locations and categories for the prior three calendar years to remain in full compliance with the Clery Act. The crime statistics printed in this Annual Security Report have been collected, counted, and classified based on incidents reported to University Police by a wide variety of people from areas such as: campus offices, including Provost, Student Affairs, Residential Life, Student Conduct, Athletics, and Human Resources; designated Campus Security Authorities, and area police agencies.

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Our #1 Concern

Many parents are concerned about the safety of their daughter or son on a university campus far from home. SUNY Polytechnic Institute understands that concern and accepts its responsibility to employ security measures to ensure that our students enjoy their years at SUNY Poly as free as possible from any threats to their safety or well-being.

SUNY Polytechnic Institute - Albany campus, is located in the residential western edge of the city of Albany adjacent to the towns of Colonie and Guilderland. These three municipalities have a combined population of over 225,000 residents. As part of that larger community, the Institute shares many of the same interests and problems, including the concern about crime. Crime is a national problem that affects even the area in which SUNY Poly is located.

Although the Institute has been fortunate in not experiencing a significant number of assaults, burglaries and acts of criminal trespass in the recent past, it would not be honest to state that such incidents have not taken place, some have. To prevent such incidents, a competent student life staff, a professionally trained University Police force, and the students, themselves, are responsible for a number of measures to ensure that the students and their personal possessions are protected as much as possible.

General Information

SUNY Polytechnic Institute was created in 2014 from the merger of the College of Nanoscale Science and Engineering of Albany with the SUNY Institute of Technology. In 2016 SUNY Poly (both campuses) enrolled approximately 1698 full-time and 314 part-time undergraduate students. Approximately 196 full-time and 497 part-time graduate students were also enrolled. The campus employs a full- and part-time workforce (excluding undergraduate students) of 545 employees. More than 917 undergraduate students reside in 3 residence halls on the Utica campus.

Crime Prevention

To help prevent crimes, it is always important to secure valuable belongings and be aware of one's surroundings. To emphasize crime prevention awareness, campus educational programs, seminars, videos, posters, brochures, student newspaper articles, messages from administration, etc., address personal safety. Topics such as rape/sexual assault, bystander training, substance use/abuse, importance of locking doors and windows, "buddy" system, etc., fire and property safety and taking belongings home during breaks are covered throughout the year. This information also includes safety services such as the late evening Centro bus transportation service, counseling, mental health services, medical resources, and emergency services. During orientation, even prior to the start of the full semesters, programs are presented which address sexual assault, fire safety and other personal safety topics. Additional information on crime prevention is included later in this report.

Safety and Security Responsibility

University Police

Campus safety and law enforcement is coordinated by the University Police Department which has a force of sworn police officers with full arrest powers and a Director of Environmental Health and Safety. SUNY police officers must meet the highest standards in New York State for law enforcement officers. Officers have successfully completed a basic police training program administered by the State University at the New York State Police Academy in Albany, New York, or a local regional police academy, and undergo continuous training to upgrade their skills. University Police Officers are charged with full police officer power under NYS Criminal Procedure Law, Section 120 (34)(S) and NYS Education Law, Section 360(4). Police officers have received firearms training and are armed and have also been trained in emergency medical procedures and first aid. Foot, bike, and vehicle patrols are conducted on campus and in residence hall areas, 24 hours a day, 365 days a year. CNSE Security officers assist UPD and are on duty 24 hours a day. The Department's objective is to provide a safe environment and protect the lives and property of students, employees, and visitors, pursued within the framework of the State University of New York rules and regulations and all local, state, and federal laws. The investigation of crimes committed on campus falls under the jurisdiction of University Police. A daily log of incidents that occur on campus is kept and is available for the public to view from 8 a.m. - 4 p.m. Monday through Friday or by request. The log includes the date, time, general location, and disposition of the complaint, and entries are available for review (unless they are deemed "confidential" by the chief of University Police for safety and security reasons).

University Police works closely with the Albany City Police, the towns of Colonie and Guilderland Police Departments, Albany County Sheriff's Department, and the New York State Police to assist with incidents that occur off campus, but may involve campus staff, students or clubs. This relationship also involves the sharing of information regarding crime statistics and crime activity on land adjacent to college property. Students involved in off-campus incidents involving criminal activities may be referred to the campus judicial office. The New York State Campus Security Act requires all public, private, and community colleges and universities in New York to have a formal plan that provides for the investigation of missing students and violent felony offenses on campus. This includes written agreements between university and college authorities and the municipal law enforcement agencies having concurrent jurisdiction. The University Police Department at SUNY Poly has a local Mutual Order of Understanding (MOU) with the Albany City Police Department, the towns of Colonie and Guilderland Police Departments, the Albany County Sheriff's Department, and the New York State Police in the event that a violent felony or a missing student is reported to campus authorities. Should such a report be received, SUNY Poly's University Police would request assistance from these agencies and would conduct a complete investigation.

People need to be aware that no matter how safe our community is, the potential for crime exists everywhere, including college campuses. Everyone in the community must do his or her part to keep themselves and others safe. Don't let your behavior put yourself or others at risk.

Emergency Preparation and Response

SUNY Poly is committed to supporting the welfare of students, faculty, staff and visitors. Preparing an emergency management plan and allocating resources to respond to possible emergencies is an important mechanism through which SUNY Poly offers this support. In this regard, SUNY Poly has established and maintains an emergency management organizational structure and program that will facilitate the effective direction, management, coordination and implementation of the emergency management plan. The structure includes the University Police, Emergency Response Team and Environmental Health and Safety staff. The College's leadership is trained in assessing emergency situations, appropriately responding to said emergencies, and initiating necessary communication with those immediately impacted by the event and the greater campus community.

The Chief of University Police, in consultation with the Vice President of Police, Security and Safety Management and the Director of Environmental Health and Safety, is responsible for determining the level of an incident. In the absence of the chief, the lieutenants, or the officer in charge, respectively, will make appropriate consults and level determination. If there were a serious, immediate threat

to the health and safety of the campus community, the emergency response protocol would be enacted as appropriate to the situation.

Emergency Notifications: Emergency notifications are triggered by a broad range of potential threats. As such, any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus may result in an emergency notification being issued. This would include a serious ongoing crime as well as non-criminal incidents such as an outbreak of a communicable illness, an impending weather emergency or a gas leak. Emergency notifications are to be issued without delay upon confirmation of the emergency. Any emergency notification can be tailored to reach only the persons / buildings who may be threatened by the emergency. Emergency Notifications can include activation of NY Alert telephone and text notification, campus siren and loudspeaker, the large screen messaging system, an alert message on the campus e-mail system and the SUNY Poly web home page. Such a notice will be sent without delay. Notification to the greater campus community is coordinated between University Police and the Public Affairs Office pursuant to policies and agreements with local law enforcement agencies and media outlets.

Timely Warnings: Timely warnings are triggered when a Clery reportable crime occurs within our Clery Act geography, has been reported and presents a serious or continuing threat to students and/or employees. All timely warnings are broadcast to reach the entire campus. Subsequent to the emergency response and for other non-imminent serious incidents which might pose a threat to the safety and well-being of the campus community, a “Campus Crime Alert” or “Timely Warning Bulletin” would be prepared and distributed through one or more of the following mediums; to the campus web home page, campus e-mail, our large- screen messaging system, building main entrances, WCOT FM campus radio, and/or the University Police Web site. Standard notification procedures may be altered if, in the emergency response authorities determine it would compromise efforts to assist a victim, or compromise efforts to contain, respond to or otherwise mitigate the emergency.

Note that SUNY Poly tests its entire emergency notification system two times per year, and its siren and fire alarms three times per year. Pursuant to its procedures, fire drills are not announced, and testing of the other emergency systems may be announced or unannounced. For more information on the emergency notification system, contact the University Police Department.

See the “Sexual Offender Notification Registration Act” section later in this document for information on the New York State and campus responsibilities with regard to sexual offenders in the community.

All members of the campus community are advised to sign up with NY Alert to receive emergency notifications.
Go online to www.suny.edu/sunyalertsec and select SUNY Poly from the drop-down menu.
User ID and password is your SUNY Poly log-on.
Submit and log off.

Reporting Crimes

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. The campus emergency number is 518-437-8600 or by dialing 911 from a campus land-line phone. The Albany County Emergency Center may be contacted by dialing 911 by cellular phones. These numbers should be used for all fire, medical, and police emergencies. All reports are classified, logged, and responded to thoroughly. The off-campus emergency number is 911. Crimes in progress and any other emergency on campus can be reported directly by any student or employee to University Police who can also be reached by using the campus emergency blue light phones or any of the emergency phones located in many of our building stairwells and at all main entrances. University Police officers are dispatched immediately to the site of the complaint. Incident reports are prepared and are kept on file.

For staff and students living off campus, a listing of major area emergency numbers appear later in this report.

Campus Reporting Agents - Confidentiality & Reporting

Descriptions of incidents are reported to University Police for the purpose of statistics, except those reported to Counseling and Health Services and/or pastoral counselors. These offices may inform the reporting person that their crime may be reported to University Police on a voluntary, confidential basis for inclusion in the college’s crime statistics only. Campus personnel will assist victims with the on- and off-campus reporting process and provide support.

Reporting Locations

Federal law requires that campuses report specific criminal activities that occur on campus property and specific areas around those properties. A map which defines these areas is available for viewing in the University Police Office. Crimes occur in the community beyond what is required to be reported in this document. Students are advised to exercise caution in ALL locations.

On Campus: includes all offenses reported on the main campus property, in campus buildings and includes residential buildings.

On-Campus Student Housing: includes all offenses reported in residential buildings

Non Campus: includes property owned by student organizations officially recognized by the institution and those owned by the University outside campus boundaries. SUNY Poly does not own any buildings or property outside our main campus, nor does it recognize any student organizations that may own property off campus.

Public Property: includes thoroughfares, streets, sidewalks, parking facilities, and public park or park-like settings immediately adjacent to and accessible from the campus.

Standard Facility Access

The SUNY Poly CNSE facility is restricted to individuals with card access clearance. All CNSE community MUST display CNSE photo identification at all times. Once students receive their clearance, they will have access to the buildings and laboratories by proximity card. Every student receives CNSE building access upon completion of Safety Orientation Training, which may be completed during student orientation. Site access is Monday through Sunday from 6:00 a.m. until 9:00 p.m. Every CNSE undergraduate student receives access from the first day of class each semester until the last day of final examinations in that semester. All visitors, new students and new employees (awaiting identification and safety training processing) MUST have a visitor ID which is obtained by signing in at security and be escorted at all times.

Access to the SUNY Poly floor of CrestHill Suites is limited to students and their guests according to guest procedures (as well as residence hall and facilities personnel in the performance of duties). See the Student Handbook's Residence Hall Policies available at <https://sunypoly.edu/sites/default/files/student%20conduct/Residential-Life-Handbook2017-18.pdf>. The public may attend cultural and recreational events on campus with their access limited to only the facilities in which these events are held. To report any violations of this policy or to report suspicious persons, contact University Police at (518) 437-8600.

Facilities Management

The campus Facilities Operations Group and Site Services Group together maintain the campus buildings and grounds with a priority on safety and security. Staff inspect campus facilities regularly, promptly make repairs affecting safety and security, and respond immediately to reports of potential safety and security hazards such as broken windows and locks. For concerns about the physical safety of campus buildings and grounds, call the Security office, at (518) 437 - 8600 twenty four hours a day.

The campus is well lighted, and improvements on lighting are a constant consideration. SUNY Poly has installed lighting on buildings, in parking lot areas, in areas with heavy landscaping and trees, and along sidewalks frequently traveled by students. As noted previously, outdoor emergency blue light phones are connected directly to University Police. In addition, over 200 security (closed circuit television) cameras are used to monitor many areas of the campus including hallways and lobbies. CCTV is also used to monitor outside areas as well as parking lots to observe areas vulnerable to vandalism. Cameras continue to be added to facilities as they are improved and renovated.

Residence Life & Housing

The residence life program is based on the principles of providing students with a safe, healthy and attractive living environment that supports the academic mission of the college. The residence halls provide an opportunity for interaction among peers of all ethnic and cultural backgrounds. Many aspects of the residence hall living occur simply by the nature of the environment, however many are shaped by the goals of the institution. The SUNY Polytechnic Institute places a high-priority on the concept of our halls serving as living-learning environments. A second component is the high priority placed on the physical condition of our campus. Our Residence Life staff works closely with CrestHill Suites personnel to ensure that the building is safe and in good condition. Staff work closely with University Police and Facilities departments. While there are many safeguards in place for CrestHill Suites students, each student is encouraged to do their part to assure a safe and secure environment by adhering to the safety related policies and procedures. Students are made aware of safety concerns as well as prevention tactics and personal responsibility through a variety of in-hall mediums.

CrestHill Suites is supervised by a one professional residence hall director and a student resident assistant. The residence hall director and CNSE Security provide "on call" services after normal business hours seven days a week. All residence life staff members undergo thorough training in enforcing residence hall security policies. Off-campus housing, not provided by the university, includes apartments, individual homes and individual rooms in private homes. The college does not provide supervision for off-campus housing. Student have the option to change their living and academic situation should a safety situation occur. Students should speak with the Assistant Vice President for Student Affairs.

Residence hall students should not be lulled into a false sense of security. We all need to be aware of our environment and the possible consequences of our behavior. The college will act as needed to discourage, prevent, correct and, if necessary, discipline behavior that violates this standard of conduct. The University Police Department will promptly investigate allegation of unlawful discrimination based on race, gender, gender identity, religion, sexual orientation, sexual identity, national origin, ethnicity, disability, age or marital status. Allegations or unlawful discrimination can also be discussed/reported with the counseling center, Vice President

for Student Affairs, or the university's Title IX coordinator. Allegations of unlawful discrimination can also be discussed with the counseling center or the Associate Provost for Student Affairs.

SUNY Poly built its residence halls with safety/security as a high priority. Some specific safety and security features include:

1. Fire extinguishers in all common areas and buildings.
2. Upholstered furniture that is self-extinguishing.
3. Emergency Call Boxes – high visibility – blue lights.
4. “Key-less Locks” on all outside doors – locked 24 hours a day.
5. Door Bell System – all outside doors. (Mohawk & Adirondack Halls)
6. Vision panels on entry doors.
7. Viewers in every suite entry door.
8. Contact switch on all outside doors (alarms ring for door left ajar).
9. Solid wood (bedroom floors); solid metal doors at suite entrances.
10. 118 closed-circuit cameras monitor the residence hall as well as numerous areas of the campus.

CrestHill Suites students are issued a key to their room, access to the SUNY Poly floor is electronically limited and the lobby area is staffed 24 hours a day. Students are reminded to ensure guests are hosted and escorted as well as complying with the policies of the college while visiting. To view the college's residence hall guest policies and other residential policies and procedures, visit <https://sunypoly.edu/sites/default/files/student%20conduct/Residential-Life-Handbook2017-18.pdf>

The Student Right-to-Know and Campus Security Act was signed into law in November of 1990. Title II of this act was known as the Crime Awareness and Campus Security Act which was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the previous three calendar years. The purpose of this report is to provide our current and prospective faculty, staff, and students with campus safety information including crime statistics and procedures to follow to report a crime. This document was compiled by the Chief of University Police and is electronically available in the University Police section of the campus website at <https://sunypoly.edu/sites/default/files/CleryReport2017-Albany.pdf>. Any questions regarding this report should be directed to room B126 of Kunsela Hall, University Police, or telephone (315) 792-7222. The College will not retaliate or allow any retaliation toward a person(s) who reports alleged violations of this act.

Missing Students

If a member of the University community has reason to believe that a student is missing, he or she should immediately notify the University Police at 315-792-7111. Do not wait if you believe a student is missing. The sooner the investigation begins the better chance of locating the missing person.

In addition to registering a general emergency contact, students have the option to identify, confidentially, an individual to be contacted in the event the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the on-line residential room registration process. A student's confidential “Missing Student” contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

On campus students: University Police will generate a missing person report and initiate an investigation. University Police will notify all local police agencies pursuant to the Memorandums of Understanding. University Police will notify the student's “Missing Student” emergency contact or the student's parents/guardian if the student is under 18 years of age (and not considered emancipated) within 24 hours of the University Police determination that the student is officially “missing”.

Off-campus students: The investigation will be referred to the proper local law enforcement agency and the University Police will assist said agency.

Alcohol and Other Drugs

Illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are violations of state and federal law and College policy. SUNY Poly permits the use of alcoholic beverages on campus by those who comply with state law and who adhere to the guidelines established by the College. Students living in residence halls who are at least 21 years old are allowed to possess and consume alcohol in their rooms in compliance with State law and College regulations. Students should be aware that the campus strictly enforces its policies with regard to alcohol and other drug violations. Members of the campus community in need of assistance with a question or personal problem related to alcohol or other drugs should contact the Health & Wellness Center, Campus Center Suite 217 or call (315) 792-7172. A complete description of alcohol and other drug policies and support services appears in the Student Handbook and/or on the Health & Wellness website at <https://sunypoly.edu/student-life/student-resources/wellness-center.html>. Complying with Section 120(a) through (d) of the HEA, a complete description of alcohol and other drug programs for our campus can be found in the Health and Wellness Center.

Drug Free Schools and Communities Act (DFSCA) - The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments require SUNY Polytechnic Institute (SUNY Poly) to adopt and put into effect a program to prevent the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs or alcohol by students and employees on SUNY Poly property, in SUNY Poly facilities, or at SUNY Poly activities or events, and to offer an anti-drug and alcohol abuse program.

The State University of New York Polytechnic Institute is committed to maintaining an environment free of illegal drugs and drug and alcohol abuse. In compliance with the Federal Drug-Free Workplace Act of 1988, SUNY Poly prohibits the unlawful manufacture, distribution, possession and/or use of controlled substances or alcoholic beverages on its premises, in its buildings, or at SUNY Poly sponsored events on or off campus. This prohibition also applies to student sponsored social activities or professional meetings attended by employees that the campus authorizes and/or use any campus resources. The Drug-Free Schools and Communities Act Amendments of 1989 (effective 9/1/90) requires the distribution of the following information to all students and employees. The following link provides access to this document.

<https://sunypoly.edu/student-life/student-resources/wellness-center/health-promotions/alcohol-and-substance-abuse.html>

Alcohol remains the primary drug of choice among college students. Some of the more common date rape drugs are Special K (the street name for ketamine hydrochloride); Rohyponol (roofies, roopies, circles, the forget pills); and GHB (Grievous Bodily Harm, Liquid X, Liquid E. Liquid Ecstasy, Easy Lay, G, Vita-G, G-juice, Georgia Home Boy, Great Hormones, Somatomax, Bedtime Scoop, Soap, Gook Gamma 10, and Energy Drink).

Date rape drugs can be difficult or impossible to detect. Don't drink what you don't open yourself and don't share drinks. Bring your own, get your own drink or go with someone who is getting it for you. Don't leave your drink unattended, and don't drink anything that has an unusual taste or appearance (e.g., salty taste, excessive foam, unexplained residue). Don't mix alcohol with other drugs and WATCH OUT FOR YOUR FRIENDS.

Bias Crime Prevention

Hate Crimes and the Law

It is a State University of New York Polytechnic Institute police mandate to protect all members of the SUNY Poly community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, gender identity, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from University Police.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, SUNY Poly University Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member of group within the SUNY Poly community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Bias incidents can be reported to University Police, Human Resources, and/or the Title IX coordinator.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 518-437-8600 or by dialing 911 from any campus landline, using a Blue Light or other campus emergency telephone, or by stopping by the University Police Department in Nano Fab East Suite 1701. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus as follows: SUNY Polytechnic Institute provides counseling and support services at our Counseling Center (315-792-7172). Albany County Crime Victim & Sexual Violence Center is on call 24 hours a day at 518-447-7716.

For general information on SUNY Poly security procedures, see <https://sunypoly.edu/university-police.html> or call University Police at 518-437-8600.

More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is also available from the office of University Police.

Weapons Policy

Firearms and dangerous weapons of any type are not permitted on campus. Intentional use, possession or sale of firearms or other dangerous weapons by anyone is a violation of state law and College policy.

Unfounded Crimes

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and will not be included in our institution’s statistics. **Only sworn or commissioned law enforcement personnel may “unfound” a crime.** All unfounded crimes will be reported to the Department of Education and be disclosed in the Annual Security Report’s Chart of Annual Crime Statistics.

Campus Safety Advisory Committee

The Campus Safety Advisory Committee’s responsibilities are: to advise the president and chief of University Police on matters of campus security, public safety (including signage and parking), and personal safety; to review and suggest improvement in safety and education programs; to assess availability of counseling services for crime victims; to review victim referral and campus response procedures for sexual assault situations; to conduct ongoing assessment of the quality of campus personal safety policies, practices, procedures, and programs; and to conform to the 1990 Amendment to Section 6450 of the Education Law by providing information to incoming students about sexual assault prevention measures, penalties, and related security procedures. Annual reports must be filed with the NYS Commissioner of Education.

CARE Team (formerly Behavioral Assessment Team)

The CARE team’s mission is to foster an environment that focuses on community safety. The Care team works with the campus community to identify students exhibiting behaviors of concerns and determine action plans and resources to assist these individuals. Faculty, staff, and students are encouraged to report concerning student behavior so that the student can be assisted. The Care team’s composition includes: Vice President and Assistant Vice President for Student Affairs as well as representatives from the Health and Wellness/Counseling Center, Residential Life, University Police, Title IX Coordinator and Athletics. Additional faculty/staff from Utica and Albany are added to the team to ensure a prompt response to impending concerns.

INFORMATION/RESOURCES FOR VICTIMS OF SEXUAL AND INTERPERSONAL VIOLENCE (from the 2017-18 Student Handbook)

Students' Bill of Rights

The State University of New York and SUNY Polytechnic Institute are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

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 from 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 crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the institution, any student, the accused and/or 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.

Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention
- Confidentially or anonymously disclose a crime or violation; an online form is available at: sunypoly.edu/university_police/anonymousform
- Make a report to:
 - An employee with the authority to address complaints, including the Title IX Coordinator, a judicial officer or a Human Resources employee;
 - University Police/Campus Security;
 - Local law enforcement or NYS Police Campus Sexual Assault Victims Unit ;
 - State Police;
 - Family Court or Civil Court.

For SUNY Poly, the following individuals have the authority to address complaints:

Katie Tynan, Title IX Coordinator

315-792-7235
Student Center, S228 (Utica)
tynank@sunyit.edu

518-956-7317
Nano Fab East #4250 (Albany)
ktynan@sunypoly.edu

Stacey Genther, Deputy Title IX Coordinator for Interpersonal & Sexual Violence Prevention & Education

315-792-7808
Campus Center, Suite 217
stacey.genther@sunyit.edu

Gary Bean, Chief of University Police

315-792-7222
Kunsela Hall, Room B126 (Utica)
Gary.Bean@sunyit.edu

University Police (Albany)

518-437-8600
Nano Fab East, #1701

Rhonda Haines, VP for HR, Affirmative Action Officer, Ethics Officer/Chief Diversity Officer

315-792-7191
Kunsela Hall, Room A011 (Utica)
rhonda.haines@sunyit.edu

518-956-7362
Nano Fab East, Suite 2100 (Albany)
rhaines@sunypoly.edu

Sexual Violence Response Policy

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

I - Reporting:

- To disclose *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy):
<http://sunypoly.edu/titleix>.

- o **SUNY Poly Counseling Services**
https://sunypoly.edu/health_wellness/wellness_services

Sandra Mizerak NCC, LMHC

Mental Health Counselor
Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
Sandra.Mizerak@sunyit.edu
315-792-7172

Laurie Fazekas LMSW, CCLS

Mental Health Counselor
Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
fazekal@sunyit.edu
315-792-7172

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines:
<http://opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages:
<http://opdv.ny.gov/help/index.html> or by calling 1-800-942-6906.

Assistance can also be obtained through:

- o SurvJustice: <http://www.survjustice.org/services.html>
- o Legal Momentum: <http://www.legalmomentum.org/>
- o NYSCASA: <http://nyscasa.org/>
- o NYSCADV: <https://www.nyscadv.org/>
- o Pandora's Project: <http://www.pandys.org/>
- o GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>
- o RAINN: <https://www.rainn.org/get-help>
- o Safe Horizons: <https://www.safehorizon.org/>

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

- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private but not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including, but not limited to, the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:
 - o Title IX Coordinators;
 - o SUNY Poly University Police Department (available 24/7)
- To file a criminal complaint with SUNY Poly University Police and/or with local law enforcement and/or state police:
 - o SUNY Poly University Police Department
Utica:
Kunsela Hall, Room B126
100 Seymour Road
Utica, NY 13502
Emergency: 315-792-7111
Non-emergency: 315-792-7222

Albany:
Nano Fab East #1701
257 Fuller Road
Albany, NY 12203
518-437-8600

Anonymous disclosures of crimes can be made to University Police via the anonymous witness form at: <https://sunypoly.edu/university-police/anonymous-witness-form/>.
Please note that this online system is not designed for immediate response.

- o Local Law Enforcement (911 also for emergencies)

Utica Area
Oneida County Sheriff's Office
6065 Judd Road
Oriskany, NY 13424
315-736-0141

Albany Area
Albany Police Department Headquarters
165 Henry Johnson Blvd.
Albany, NY 12210
518-438-4000

- o NYS Campus Sexual Assault Victims Unit: To report a sexual assault, dating violence, domestic violence and/or stalking within a college campus in New York State, 24 hour hotline: 1-844-845-7269
- To receive assistance by University Police in initiating legal proceedings in family court or civil court.
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with SUNY Poly's policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. (Please see Options for Confidentially Disclosed Sexual Violence for additional information on Privacy versus Confidentiality.)

Title IX Coordinators

Katie Tynan, Title IX Coordinator
315-792-7235
Student Center, S228 (Utica)
tynank@sunyit.edu

518-956-7317
NFE #4250 (Albany)
ktynan@sunypoly.edu

Stacey Genter,
Deputy Title IX Coordinator for Sexual & Interpersonal Violence Prevention & Education
315-792-7808
Campus Center, Suite 217 (Utica)
stacey.genter@sunyit.edu

- When the accused is an employee, a reporting individual may also report the incident to SUNY Poly Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with

applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

SUNY Poly Human Resources

Utica:

Kunsela Hall, Room A011
100 Seymour Road
Utica, NY 13502
315-792-7191

Albany:

NFE Suite 2100
257 Fuller Road
Albany, NY 12203
518-437-8686

- You may withdraw your complaint or involvement from the SUNY Poly process at any time.
- Every college shall ensure that, at a minimum, at the first instance of a disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to University Police or Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

II - Resources:

- To obtain medical and/or counseling services:

Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
Phone: [315-792-7172](tel:315-792-7172)
Fax: [315-792-7371](tel:315-792-7371)
https://sunypoly.edu/health_wellness/wellness_services

Most services provided at the Wellness Center are free of charge. All students pay a health fee which entitles them to unlimited services provided by the medical and mental health counseling staff. All registered students have access to free, confidential services at the Wellness Center.

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs is available at our Utica site through the on-campus Wellness Center. Please see the Testing for Sexually Transmitted Infections (Student Information) document posted at the link below for additional information on applicable fees and billing options

https://sunypoly.edu/health_wellness/wellness_services

Testing for STIs and emergency contraception is also available at the following locations off-site. Emergency contraception can also be obtained from a local pharmacy.

Utica Area:

Planned Parenthood - Utica Center
1424 Genesee Street
Utica, NY 13502

315-724-6146

<https://www.plannedparenthood.org>

There is a sliding fee scale based on your income and ability to pay; more specific fee information is available by contacting Planned Parenthood directly.

Oneida County Health Department - Utica Clinic

406 Elizabeth Street

Utica, NY 13501

315-798-5747

www.ocgov.net/oneida/health/STDs

Most insurance plans are accepted; if you are uninsured or do not want to use your health insurance, there is a sliding fee scale based on your ability to pay. No one is denied testing or treatment based on their ability to pay.

AIDS Community Resources (ACR Health) - Utica Office

401 Columbia Street

Utica, NY 13502

315-793-0661

Toll-free: 800-475-2430

<http://www.acrhealth.org/>

Albany Area:

Planned Parenthood - Albany Health Center

855 Central Avenue

Albany, NY 12206

518-434-5678

There is a sliding fee scale based on your income and ability to pay; more specific fee information is available by contacting Planned Parenthood directly.

<https://www.plannedparenthood.org/health-center/new-york/albany/12206/albany-health-center-3336-91020>

Albany County Department of Health STD Clinic

175 Green Street

Albany, NY 12202

518-447-4580

<http://www.albanycounty.com/Government/Departments/DepartmentofHealth/ProgramsandServices/SexuallyTransmittedDiseasesClinic.aspx>

Most insurance plans are accepted; if you are uninsured, there is a sliding fee scale based on your ability to pay. No one is denied testing or treatment based on their ability to pay.

Alliance for Positive Health

927 Broadway

Albany, NY 12207

518-434-4686

<http://www.allianceforpositivehealth.org/programservices/>

Walk-in HIV testing and STI screening available. Testing is free but only offered to those with designated risk factors; criteria for free testing is available at their website (link above).

- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov/> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/ovs-services>.

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

III - Protection and Accommodations:

- When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with SUNY Poly policy. Parties may submit evidence in support of their request.
- To have assistance from SUNY Poly University Police or other college officials in initiating legal proceedings in family court or civil court, including, but not limited to, obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a 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); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including, but not limited to, arrest, additional conduct charges, and interim suspension.
- To have assistance from SUNY Poly University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of SUNY Poly University Police or, if outside of the jurisdiction or if Campus Security does not have arresting powers to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused subject to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Poly policies and rules.
- When the accused is not a member of the college community, to have assistance from SUNY Poly University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the Title IX Coordinators can serve as a point of contact to assist with these measures:

Title IX Coordinators

Katie Tynan Title IX Coordinator
315-792-7235
Student Center, S228 (Utica)
tynank@sunyit.edu

518-956-7317
NFE #4250 (Albany)
ktynan@sunypoly.edu

Stacey Genther, Deputy Title IX Coordinator for Sexual
and Interpersonal Violence Prevention & Education
315-792-7808
Campus Center, Suite 217 (Utica)
stacey.genther@sunyit.edu

IV - Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the SUNY Poly Student Handbook/Code of Conduct (https://www.sunypoly.edu/pdf/student_handbook.pdf) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
 - o The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Personal Conduct.
 - o The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartially, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - o The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - o The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - o The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - o The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Poly).
 - o The right to present evidence and testimony at a hearing, when appropriate.
 - o The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.

- o The right to exclude prior sexual history with persons other than the other party in the conduct process or their own past mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- o The right to ask questions of the decision-maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- o The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- o The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.
- o The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- o Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- o The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
 - Director of Community Standards and Leadership
315-792-7530, Campus Center, Residential Life Suite #229, Utica Site
- o The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- o The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and SUNY Poly want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is intended to help you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

- Privileged and Confidential Resources.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

Privileged and Confidential Resources:

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

- **SUNY Poly Counseling Services**
https://sunypoly.edu/health_wellness/wellness_services

Licensed Mental Health Counselors at the SUNY Poly Wellness Center are considered confidential resources.

Sandra Mizerak NCC, LMHC
Mental Health Counselor
Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
Sanda.Mizerak@sunyit.edu
315-792-7172

Laurie Fazekas LMSW, CCLS
Mental Health Counselor
Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
fazekal@sunyit.edu
315-792-7172

- **Wellness Center Licensed Medical Professionals**
https://sunypoly.edu/health_wellness/wellness_services

Licensed Medical Professionals at the SUNY Poly Wellness Center are considered confidential resources.

Terri Sherman
Adult Nurse Practitioner
Wellness Center
Campus Center, Suite 217
100 Seymour Road
Utica, NY 13502
terri.sherman@sunyit.edu
315-792-7172

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

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
 - **YWCA of Mohawk Valley (Utica Area)**
Kristie Cieslak, Assistant Director Non-Residential Crisis Services
1000 Cornelia Street
Utica, NY 13502
315-732-2159
24-Hour Hotline: 315-797-7740
<http://ywcamv.org/>
 - **Crime Victim & Sexual Violence Center (Albany)**
Karen Ziegler, Director
112 State Street

Room 1118, 11th Floor
Albany, NY 12207
Office Line: 518-447-7100
24-Hour Sexual Assault Hotline: 518-447-7716
Karen.ziegler@albanycounty.com
cvsvc@albanycounty.com
www.albanycounty.com/cvsvc

- **Sexual Assault and Crime Victims Assistance Program for Rensselaer County (Albany)**
24-Hour Sexual Assault Hotline: 518-271-3257
http://www.nehealth.com/Medical_Care/SAM/Sexual_Assault_Center/
- **NYS Hotline for Sexual Assault & Domestic Violence**
1-800-942-6906

- Off-campus healthcare providers

Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: <https://ovs.ny.gov/> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/ovs-services>

- **Mohawk Valley Health Systems (MVHS)**

St. Elizabeth Medical Center (Utica Area)
2209 Genesee Street
Utica, NY 13501
315-801-8100

Faxton/St. Luke's Healthcare (Utica Area):
St. Luke's Campus
1676 Champlin Avenue
Utica, NY 13502
315-624-6000

Faxton Campus
1676 Sunset Avenue
Utica, NY 13502
315-624-6112

- **Mobile Crisis Assessment Team (Utica Area)**

315-732-6228
<http://ocgov.net/mentalhealth>

- **Albany Medical Student Health Center (Albany Area)**

25 Hackett Blvd.
Albany, NY 12208
Business Phone: 518-264-0900 (Practitioners are available by phone 24 hours a day)
<https://www.amc.edu/academic/Undergraduate/StudentHealthServices/index.cfm>

- **Albany Medical Center (Albany Area)**

43 New Scotland Ave
MC 139
Albany, NY 12208

Business Phone: 518-262-3131

www.amc.edu

- **Albany Memorial Hospital (Albany Area)**
600 Northern Boulevard
Albany, NY 12204
Business Phone: 518-471-3221

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

Privacy versus Confidentiality:

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

Requesting Confidentiality - How SUNY Poly Will Weigh the Request and Respond:

If you disclose an incident to a SUNY Poly employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against SUNY Poly's obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the Title IX Coordinators can serve as a primary point of contact to assist with these measures. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

Title IX Coordinators

Katie Tynan, Title IX Coordinator
315-792-7235
Student Center, S228 (Utica)
tynank@sunyit.edu
518-956-7317
NFE 4250 (Albany)
ktynan@sunypoly.edu

Stacey Genter, Deputy Title IX Coordinator for Sexual and Interpersonal Violence Prevention & Education
Health Promotion Coordinator
315-792-7808
Campus Center, Suite 217 (Utica)
stacey.genter@sunyit.edu

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

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or

sexual harassment, but wish to maintain confidentiality, SUNY Poly will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

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

Public Awareness/Advocacy Events:

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

Anonymous Disclosure:

The NYS Hotline for Sexual Assault and Domestic Violence (1-800-942-6906) is for crisis intervention, resources and referrals and is not a reporting mechanism.

Institutional Crime Reporting:

Reports of certain crimes occurring in certain geographic locations will be included in SUNY Poly’s Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor.

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

The Family Educational Rights and Privacy Act allows institutions to share information with parents when: (1) there is a health or safety emergency; or (2) when the student is a dependent on either parents’ prior year federal income tax return. Generally, SUNY Poly will not share information about a report of sexual violence with parents without the permission of the reporting individual.

**Sexual Harassment/Sexual Violence
Definitions**

The following definitions relate to sexual violence and sexual harassment as referenced in the Student Code of Personal Conduct and are punishable offenses.

Dating Violence: any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Force: the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

Incest: nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Non-consensual sexual contact: any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.

Non-consensual sexual intercourse: any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Retaliation: an adverse action against another person for reporting a violation or participating in any way in the investigation or judicial process. Retaliation includes harassment and intimidation, including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Sex discrimination: any behavior or action that denies or limits a person's ability to benefit from, fully participate in the educational programs or activities or the employment opportunities of SUNY Poly because of a person's gender, including, but not limited to, all forms of sexual harassment, sexual assault, and other sexual violence by or against employees, students, or third parties.

Sexual activity: shall have the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

Sexual assault: a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Sexual exploitation: occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances;
- Inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual harassment: unwelcome behavior which may include verbal, non-verbal or physical conduct that is sexual in nature and sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from SUNY Poly's educational programs and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Sexual violence: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking: intentionally engaging in a course of conduct (two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property), directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage.

Statutory Rape: nonforcible sexual intercourse with a person who is under the statutory age of consent.

Campus policy encourages every member of the campus community to report a crime promptly to the University Police Department if the victim wants to or is unable to report.

Underage or incapacitated persons cannot legally consent to sexual activity.

New York State Penalties for Sex Offenses

New York State definitions for sex offenses differ slightly from those required for this report (i.e., the FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) definitions). The following is a list of sexual crimes defined in the State statutes and the associated penalties for such crimes.

CONSENT: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

CONSENT, ABBREVIATED: Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

DATING VIOLENCE: New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an "intimate relationship" with the victim. *See* "Family or Household Member" for definition of "intimate relationship."

DOMESTIC VIOLENCE: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

FAMILY OR HOUSEHOLD MEMBER: Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

PARENT: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

SEXUAL ASSAULT: New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

SEX OFFENSES; LACK OF CONSENT: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

SEXUAL MISCONDUCT: When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

A Class A misdemeanor. Punishable by up to one year in prison.

RAPE IN THE THIRD DEGREE: When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) 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.

A Class E felony. Punishable by one to three years in prison.

RAPE IN THE SECOND DEGREE: When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

A Class D felony. Punishable by four to seven years in prison.

RAPE IN THE FIRST DEGREE: When a person 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 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

A Class B felony. Punishable by nine to 25 years in prison.

CRIMINAL SEXUAL ACT IN THE THIRD DEGREE: When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

A Class E felony. Punishable by one to three years in prison.

CRIMINAL SEXUAL ACT IN THE SECOND DEGREE: When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

A Class D felony. Punishable by four to seven years in prison.

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE: When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

A Class B felony. Punishable by nine to 25 years in prison.

FORCIBLE TOUCHING: When a 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. It includes squeezing, grabbing, or pinching.

A Class A misdemeanor. Punishable by up to 3 months in prison.

PERSISTENT SEXUAL ABUSE: When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

A Class E felony. Punishable by one to three years in prison.

SEXUAL ABUSE IN THE THIRD DEGREE: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

A Class B misdemeanor. Punishable by up to 3 months in prison.

SEXUAL ABUSE IN THE SECOND DEGREE: When a person 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 17 years old; or (2) less than 14 years old.

A Class A misdemeanor. Punishable by up to one year in prison.

SEXUAL ABUSE IN THE FIRST DEGREE: When a person 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; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

A Class D felony. Punishable by four to seven years in prison.

AGGRAVATED SEXUAL ABUSE: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE: When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) 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 17 years old.

A Class E felony. Punishable by one to three years in prison.

AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

A Class D felony. Punishable by four to seven years in prison.

AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

A Class C felony. Punishable by six to 15 years in prison.

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (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.

A Class B felony. Punishable by nine to 25 years in prison.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE: When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

A Class D felony. Punishable by four to seven years in prison.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE: When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

A Class B felony. Punishable by nine to 25 years in prison.

FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

INCEST IN THE THIRD DEGREE: A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

A Class E felony. Punishable by one to three years in prison.

INCEST IN THE SECOND DEGREE: A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

A Class D felony. Punishable by four to seven years in prison.

INCEST IN THE FIRST DEGREE: A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

A Class B felony. Punishable by nine to 25 years in prison.

STALKING IN THE FOURTH DEGREE: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

A Class B Misdemeanor. Punishable by up to 3 months in prison.

STALKING IN THE THIRD DEGREE: When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

A Class A misdemeanor. Punishable by up to one year in prison.

STALKING IN THE SECOND DEGREE: When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

A Class E Felony. Punishable by one to three years in prison.

STALKING IN THE FIRST DEGREE: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

A Class D Felony. Punishable by four to seven years in prison.

Child Sexual Abuse Reporting Policy

Any employee or student of or volunteer for SUNY Poly who witnesses or has reasonable cause to suspect any sexual abuse of a child occurring on SUNY Poly property or while off campus during official SUNY Poly business or SUNY Poly sponsored events shall have an affirmative obligation to report such conduct to the University Police Department immediately. In Utica, University Police is located in Kunsela Hall B126 or call 315-792-7111; in Albany, University Police is located in Nano Fab East, #1701 or call 518-437-8600. Such report should include the names of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, the University Police Department shall promptly notify the Vice President of Human Resources, Vice President for External Relations and College President along with the Commissioner of University Police at SUNY System Administration who shall report such incidents to the Chancellor for periodic reporting to the Board of Trustees.

In addition, to aid in the prevention of crimes against children on property of SUNY Poly and/or during official SUNY Poly business at events sponsored by SUNY Poly, relevant employees should be trained on the identification of such crimes and proper notification requirements. Vendors, licensees or others who are given permission to come onto campus or to use SUNY Poly facilities for events or activities that will include participation of children shall ensure that they have in place procedures for training, implementation of applicable pre-employment screening requirements and reporting of child sexual abuse.

For purposes of this policy, the applicable definitions of child sexual abuse are those used in the NYS Penal Law in Articles 130 and 263 and Section 260.10, and “child” is defined as an individual under the age of 17.

Sexual Crimes and Assistance for Victims

The SUNY Polytechnic Institute is committed to maintaining an environment in which students, faculty, staff and guests can work together free of all forms of harassment, exploitation and intimidation. The Institute strongly condemns sexual harassment in any form. Also unacceptable is conduct, such as sexual assault or rape, which constitutes a criminal offense. Such behavior is prohibited by college and university policy and federal and New York State law. The Institute will take action as needed to discourage, prevent, correct and, if necessary, discipline behavior that violates this standard of conduct.

Victims of sexual assault should immediately report the incident to University Police (315-792-7111) if it occurred on campus or to an off-campus police agency if it occurred off campus through the 911 emergency service. Victims also have the option of reporting the incident to the University’s Title IX Coordinator and/or any one of the Campus Reporting Agents listed on later pages of this report.

Faculty and staff accused of violations of the above policy receive hearings and are subject to discipline under the provisions of the applicable collectively negotiated agreements (see Personnel Policies and Procedures). They may be subject to criminal prosecution under the New York State Penal Law as well.

Reporting a crime to the police or to a campus office does not obligate the victim to pursue criminal prosecution.

Counseling

SUNY Poly (Utica) provides counseling and support services at our Utica campus Counseling Center (ext. 7172). Rape Crisis Services in Utica is on call 24 hours a day at 315-733-0665, as is the Oneida County Mobile Crisis Assessment Team (For Mental Health Crisis Services) at 315-732-MCAT (6228).

SUNY Poly (Albany) provides these services at the Nano Fab South, 3rd floor, Student Services Suite 309, with appointments scheduled through the Utica Health & Wellness Center at 315-792-7172. Our Albany campus can also assist individuals with additional regional counseling and support services.

In addition to criminal definitions, Sexual Assault and Rape are prohibited conduct as specified in the SUNY Poly Student Handbook found at <https://sunypoly.edu/sites/default/files/student%20conduct/Student-Handbook2017-18.pdf>.

Hospital Emergency Room

If the assault involved a sexual penetration or other physical injuries, the victim should be treated as soon as possible by medical personnel. The victim should not wash, change clothing or otherwise “clean up.” Evidence can be collected several hours after an attack, but its value may be diminished. Victims should bring a full change of clothes because the clothes worn during the assault may be kept as evidence.

Remember, assaults – sexual or otherwise – are crimes; they are not the victims’ fault. Victims have the right to pursue adjudication of crimes that occur on the SUNY Poly campus through criminal courts and/or through the University’s internal disciplinary process (under the Campus Code of Conduct). SUNY Poly Police are trained to assist with prosecution in both systems.

Support and Referral Resources

Victims should contact at least one of the reporting agents (listed in next sections) regardless of where the assault occurred.

Follow Up Medical Care

Victims may need tests for sexually transmitted diseases and pregnancy. This care is critically important. University personnel from the Health & Wellness Center are available to provide information and assistance.

In the eyes of the law and college policy, a person who is drunk, drugged, otherwise incapacitated or underage cannot consent to sexual activity.

Sexual Offender Registration Act

This Act requires the New York State Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The Registry contains information on sex offenders classified according to their risk of re-offending as follows: low risk (level 1), moderate risk (level 2), and high risk (level 3). The Act requires that DCJS also maintain a subdirectory of level 3 sex offenders. The DCJS Sex Offender Registry site may be found at : <http://www.criminaljustice.ny.gov/nsor/> and contains their Subdirectory of Level 3 sex offenders as well as other information regarding New York State’s Sex Offender Registry.

Sex offenders in New York are required to notify the Registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must also be reported to the Registry no later than ten days after such change.

SUNY Poly will maintain a list of any registered sexual offenders reported to the University as being enrolled, attending, or employed at the SUNY Poly.

A synopsis of some of the basic laws pertaining to the Sexual Offender Registry may be found below.

Correction Law §168-b requires that Division of Criminal Justice Services (DCJS) include this information regarding an institution of higher education on its Registry. Correction Law §168-c requires:

1. that the Department of Correctional Services, or hospital or local correctional facility in which a sex offender is confined, require that such sex offender complete a form notifying DCJS of his or her proposed address upon release and any institution of higher education at which the offender expects to be enrolled, attending or employed, and whether he or she expects to reside in a facility owned by the institution; and,
2. that a probation officer require that a supervised sex offender complete a form notifying DCJS of any change of address or any change of status in enrollment, attendance, employment or residence at any institution of higher education while under supervision.

Correction Law §168-d requires the court to obtain the name and address of any institution of higher education at which the offender expects to be employed, enrolled or attending and whether the offender expects to reside in a facility owned or operated by that institution.

Correction Law §168-e requires a sex offender released from a correctional facility to provide the name and address of any institution of higher education the offender expects to be employed by, enrolled at or attending and whether the offender expects to reside in a facility owned or operated by that institution.

Correction Law §168-j(4) and (5) set forth the notification procedures whenever a sex offender has indicated to DCJS that he or she will be enrolled in, attending or employed at an institution of higher education. DCJS will notify each law enforcement agency having jurisdiction.

Sex Offender Registry

The New York State Sex Offender Registry is available to the public at this site: <http://www.criminaljustice.ny.gov/nsor/>

Preserving Personal Safety

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

The various programs and trainings offered by the college/university are described below:

1. *Prevention Programs*: These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *Not Anymore* (an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *The Script* (a one-man show confronting Dating Violence and Sexual Assault)
 - *Student Orientation Safety-on-Campus program*
 - *Resident Advisor training program*
 - *Title IX Bathroom Buzz* – educational campaign including awareness of Title IX, policies and procedures for reporting a violation and information about the above listed prevention programs.
 - *Campus Climate Survey* – sent to all students to evaluate our successes and continued challenges to address.

2. *Awareness Programs*: These are community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *First Year Seminar program*.
 - *Resident Advisor training program*
 - *YWCA Purple Ribbon Domestic Violence campaign*
 - *Student Orientation Safety-on-Campus program*
 - *Not Anymore* ((an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *Title IX Bathroom Buzz* – educational campaign including awareness of Title IX, policies and procedures for reporting a violation and information about the above listed prevention programs.
 - *Campus Climate Survey* – sent to all students to evaluate our successes and continued challenges to address.

3. *Bystander Intervention*: These programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *Not Anymore* ((an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *Resident Advisor training program*
 - *Tim Collins and The Script Performance* – Active Bystander and Empathetic Responder workshop for faculty, staff and RA's. Night performance focused on rape and sexual violence education and prevention.

- *Bystander Intervention training for students* – programming offered to general student population.

4. *Ongoing Prevention & Awareness Campaigns*: These include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the college/university and including information provided in campus education programs.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *Not Anymore* ((an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *Title IX website services and information*
 - *Aids Community Resources*, including their testing van and information tables
 - *Academic course COM495* – an academic class where the students work on development and implementation of Title IX student awareness campaigns.
 - *Employee Workplace Violence and Domestic Violence training*, provided to all faculty, staff and student employees.

5. *Primary Prevention Programs*: These include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *Not Anymore* (an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *The Script* (a one-man show confronting Dating Violence and Sexual Assault)
 - *Student Orientation Safety-on-Campus program*
 - *Resident Advisor training program*
 - *Employee Workplace Violence and Domestic Violence training*, provided to all faculty, staff and student employees.

6. *Risk Reduction Programs*: These programs present options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Specifically, at SUNY Poly several programs are being utilized including:
 - *Not Anymore* (an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).
 - *The Script* (a one-man show confronting Dating Violence and Sexual Assault)
 - *Student Orientation Safety-on-Campus program*
 - *Resident Advisor training program*
 - *Not Anymore* ((an online program which educates students about consent and bystander intervention as well as the realities of sexual assault, dating/domestic violence, and stalking on college campuses).

Additional Sexual Assault Prevention Programs Offered

Throughout each school year, SUNY Poly provides sexual assault awareness programs, including education on domestic violence, dating violence and stalking. These programs are offered through a variety of venues including First Year Seminar classes, lectures, speakers, small group trainings and large public events. These programs are open to the entire campus community. The University Police Department also offers a sexual assault awareness program. This program is designed to offer members of the campus community the opportunity to speak with a University Police officer in small groups on the topic of sexual assault awareness and campus issues. The topics discussed will touch upon victims' rights, support services, campus policies concerning sexual assault, and New York State Penal Law.

Here are some specific examples of what SUNY Poly does to help promote personal safety education on campus.

Bike Patrol (Utica) — a four-officer patrol squad of certified police cyclists which operates nine months out of the year,

complementing the foot and vehicle patrol.

Anonymous Witness Program — a form on the University Police homepage where people can anonymously report a crime http://sunyit.edu/university_police/.

Operation Identification — a state-wide effort to discourage burglary and theft by engraving property with an easily traced (in the US and Canada) identification number. A free service through University Police.

Operation Lockout — an anti-theft program in the residence halls which shows students how easy it is to become a victim of crime and simple steps to help preserve safety.

Students against Violence Week — a promotional campaign during which campus community members pledge against violence.

Bathroom Buzz – weekly informational initiative posted in the bathrooms on topics such as domestic violence’s signs of an abusive relationship, social networking safety and travel safety.

Health Fair – each semester, the Health & Wellness Center, in collaboration with the Nursing Dept. set up informational booths providing verbal and written information on date rape, cyber security, personal safety and more.

The Clothesline Project — a display of t-shirts designed by survivors of violence to increase the awareness of the impact of violence and encourage others to “break the silence” to end the vicious cycle of abuse. This project is done in collaboration with the Utica YWCA.

AVV — YWCA’s “Aid to Victims of Violence” a crisis hotline and resource for victims of sexual assault/rape, domestic and other violence.

“Acting like a WILDcat”— annual programming highlighting key details of the student conduct code such as the “zero tolerance for violence” philosophy, adherence to safety regulations, the enforcement for alcohol and other drug policy violations and anti-hazing education.

Off-Campus Jurisdiction — SUNY Poly’s policy allows for pursuing judicial action against students who are involved in off-campus incidents which also violate College policy and/or federal, state, and/or local laws, statutes, or ordinances. Typically the campus reserves this prerogative for more serious misconduct.

Suspension/Dismissal — students who are suspended or dismissed are NOT ALLOWED to be on campus or at campus-sponsored events for any reason unless prior permission is given by the Chief of University Police or the Associate Provost for Student Affairs.

Persona Non Grata (PNG) — an order of exclusion from campus to non-students who have demonstrated that their presence on campus would be a threat to the campus and/or campus members. Violators can be arrested for criminal trespass.

Confidentiality — students have the option of having their directory information unlisted. Details are available from the Associate Provost for Student Affairs Office, A221 Kunsela Hall.

Late Evening bus service — late evening bus service so that students do not have to walk alone to and from Utica or other local area evening destinations.

How Can I Protect Myself?

- Call On campus – University Police – 518-437-8600
- Off campus –Albany City Police Dept. 518-438-4000
- Albany Co. Sheriff’s Dept. 518-487-5400
- NY State Police 518-783-6811
- Create a safety plan that addresses your situation
- Consider filing a protective or stay-away order against your stalker
- Learn your rights

For more information go to: <https://www.justice.gov/ovw/stalking>

Domestic Violence

Does your partner tell you what to do? Has your partner threatened you with physical harm? Does your partner call you names or tell you that you are worthless?

Domestic violence can affect anyone, regardless of age, race, economic background, religious beliefs, marital status, or sexual preference. Abusive behaviors include verbal, emotional, sexual, physical, psychological and economic abuse and typically get worse over time. Any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures or wounds someone is abuse. Domestic violence is dangerous and can be fatal. As such, SUNY Poly provides domestic violence training to all students and employees.

What Can You Do?

It’s up to you to decide what is best for you. Domestic violence is not okay and you are not alone. If you decide you need help, you may wish to:

- Call on campus – University Police – 518-437-8600
- Off campus – Albany City Police Dept. 518-438-4000 or
- Albany Co. Sheriff's Dept. 518-487-5400 or
- NY State Police 518-783-6811
- Contact the National Domestic Violence Hotline at 1-800-799-SAFE (1-800-799-7233) for assistance and to learn about resources in your area.
- Create a safety plan that addresses you and your family's situation.
- Learn your rights.

SUNY Poly has the authority to pursue judicial action for incidents occurring off campus that violate college policy including federal, state and/or local laws, statutes, or ordinances.

STUDENT JUDICIAL SYSTEM

Community Standards Office, Campus Center, Room 229, 315-792-7530

Standards for the Conduct of Students

SUNY Poly, a college community comprised of students, faculty and staff, has established standards of conduct which are intended to guarantee the protection of individual rights and promote the development of a learning environment conducive to academic achievement and personal growth.

The conduct of our faculty and staff is regulated by established personnel policies and applicable collective bargaining agreements. The standards of conduct for students are divided into four sections: 1) the Academic Integrity Policy, 2) the Student Code of Personal Conduct, 3) the SUNY Rules for the Maintenance of Public Order, and 4) the Penal Law of the State of New York.

The administration of the standards for the conduct of students is intended to be educational and not punitive. Student judicial hearings will be conducted with a commitment to fundamental fairness and will provide the appropriate level of due process. Because of the educational emphasis of the student judicial system, hearing procedures will be informal and are not intended to model those held in the criminal justice system.

Students are presumed to be “not responsible” until a finding of responsibility is made. Cases will be judged based on the standard of “preponderance of the evidence.” The Academic Integrity Policy is administered by the provost, and alleged violations may be referred to him/her for adjudication.

The Vice President of Student Affairs or designee is responsible for the administration of the Student Code of Personal Conduct and the SUNY Rules for the Maintenance of Public Order. Alleged violations of these codes may be adjudicated by an assigned administrator or the Administrative Judicial Board.

The enforcement of violations of the penal law and vehicle and traffic law of the state of New York which occur on campus is the responsibility of the officers of the University Police department. The Vice President of Student Affairs or designee is responsible for determining the appropriate adjudication through the disciplinary process of alleged on-campus violations of law or rules.

Violations of law which occur off-campus where a nexus to SUNY Poly or the SUNY Poly community exists are also subject to adjudication by the student judicial system if the provost or designee determines that the alleged conduct presents a clear and present danger to the SUNY Poly community or a serious disruption to the academic environment of SUNY Poly.

Mediation and Conflict Resolution Services

Student conflicts which do not involve a clear violation of SUNY Poly judicial policies may be submitted to mediation. Mediation is a voluntary process that is conducted by a student affairs professional staff member. Mediators will conduct the session with a commitment to fairness, objectivity, confidentiality, and with a non-judgmental style. Both parties to the dispute will be encouraged by the mediator to seek their own solution and develop a written agreement to resolve the conflict. Typically, mediation can be effective for resolving conflicts between resident student roommates and for resolving disputes over bills, personal property damage, and interpersonal relationships. Mediation sessions result in a formal, written, and binding agreement between the involved parties. Students who fail to comply with signed mediation agreements may be subject to disciplinary action (if appropriate) or administrative housing reassignment (for resident students). For more information or assistance, please contact the campus life or residential life and housing offices. Mediation may not be used in cases involving sexual violence.

Alleged Student Misconduct Directed at SUNY Poly Officials

All cases which involve any allegation of misconduct, or verbal or physical abuse, which is directed against a SUNY Poly official will be heard by SUNY Poly’s Administrative Judicial Board. This action will occur regardless of whether or not the student accepts responsibility for the alleged misconduct or abuse.

Campus Judicial Board

The SUNY Poly Administrative Judicial Board is the duly authorized judicial body that has jurisdiction over all students for matters arising from the Student Code of Personal Conduct, Rules for the Maintenance of Public Order, and residence hall regulations. The Board shall conduct hearings, make findings of facts, recommend disciplinary sanctions where appropriate, and provide due process for students while protecting the rights of all members of the SUNY Poly community. Campus judicial board hearings are closed administrative proceedings. Except with the consent of the Vice President for Student Affairs or designee, only those who are reporting individuals, respondents, witnesses or approved advisors will be permitted to attend.

Note: In cases of sexual harassment, sexual violence, dating or domestic violence or stalking details concerning process and proceedings can be found in the Student Code of Personal Conduct.

Procedures for Filing a Judicial Complaint

Any member of the SUNY Poly community may initiate a proceeding before the judicial body by filing a complaint to the judicial officer or in the office of the Vice President for Student Affairs. A complaint against a student must set forth the following:

- a. The name and address of the student against whom a complaint is being lodged.
- b. The name of the reporting individual and his/her status in the SUNY Poly community.
- c. The alleged offense that is the basis of the complaint.
- d. A statement demonstrating the facts of the alleged offense, which should include:
 1. Date of occurrence
 2. Time of occurrence
 3. Place of occurrence
 4. Narrative of event
 5. Names of persons having personal knowledge of circumstances or event
 6. General nature and description of all evidence
 7. Signature of the reporting individual

Notice of a Complaint

Upon receipt of a complaint, the judicial officer will review the information to determine if a student will be accused of violating the Student Code of Conduct. If it is determined that a violation has occurred, the judicial officer will notify the accused in writing and/or by e-mail of the allegation(s) and accusation(s). The notice of accusation(s) will direct the accused to schedule an educational conference with the judicial officer by a specified date.

Educational Conference

The purpose of the educational conference is to review with the accused the allegations and accusations, the Student Code of Personal Conduct, the judicial proceeding forum options, the judicial process and possible sanctions. The Administrative Board proceeding is scheduled based on criteria outlined in the Student Code of Personal Conduct, Article VI. C., 5.a-c.

Administrative Judicial Board Notification

After a reasonable attempt to confer with all parties, a hearing shall be scheduled. All parties shall receive written/e-mail notification of the hearing, which shall include the time, date, and place of the hearing.

Witnesses

All parties involved in the hearing may request witnesses to attend the hearing if it can be shown that the witness has relevant testimony or other evidence to offer. Witnesses will be summoned to the hearing by the judicial officer.

Administrative Judicial Board Format

The Administrative Judicial Board, under the direction of the chairperson and with the director of community standards serving as an advisor, does not function as civil or criminal court of law but rather as an administrative hearing board. The standard of proof used for all conduct cases is “preponderance of the evidence” which means whether it is more likely than not.

The judicial board shall adhere to the following format for all hearings:

1. The chairperson shall introduce the members of the Board and request the names of all persons present at the hearing. The chairperson shall then explain the procedure to be followed and ask if there are any questions. The hearing will be recorded.
2. The chairperson will read the allegations/accusations being filed against the respondent and will ask that he/she respond with respect to his/her responsibility.
3. The complainant in all cases will be represented by SUNY Poly. A reporting individual may choose to serve as a co-complainant or as a witness in the administrative hearing process.
4. The chairperson will ask the reporting individual, if present, if they have any additional information or clarification concerning the alleged offense, in the form of an opening statement. The reporting individual gives his/her opening statement first.
5. The respondent will be asked to give his/her account of the incident or alleged policy violation in the form of an opening statement.
6. After the opening statements, each party will be allowed to ask questions in writing which must first be approved by the chairperson.
7. Witnesses will be called in separately to give their account of the incident or alleged policy violation.
8. Board members reserve the right to ask questions of clarification at any time during the course of the hearing.
9. Both the reporting individual and the respondent will be given the opportunity to give a closing statement. The respondent will give his/her statement last.
10. At the end of the proceedings, the respondent will be advised of the Board’s role in providing a recommendation to the Vice President for Student Affairs or designee, the appeal process and any resources that would pertain to the student’s situation.
11. During deliberations, the Board will first decide whether or not the respondent student is responsible for violation of the charges as indicated. If the student is found responsible, based on the preponderance of the evidence, the board will make a recommendation to the Vice President for Student Affairs or designee as to the recommended sanctions to be imposed.

Notice of Decision

The Administrative Judicial Board, in its deliberations, shall consider only relevant evidence presented at the hearing. In all cases, the Administrative Judicial Board shall send a written decision letter to the Vice President for Student Affairs or designee. The decision letter shall contain a statement of findings, evidence used in rendering the decision and any recommended sanctions. Following the Vice President for Student Affairs or designee’s review of the Administrative Board’s decision, the respondent shall receive a notice of decision from the Vice President for Student Affairs or designee within the designated time frame. A record of the adjudication shall be maintained in the office of the Vice President for Student Affairs or designee for seven years. *Note: In cases of sexual harassment, sexual violence, dating or domestic violence or stalking details concerning process and proceedings can be found in the Student Code of Personal Conduct.*

For more information about the educational conference, Administrative Judicial Board and decision process, see the Student Code of Personal Conduct Article VI. A-J on pages 68 to 74 in this document.

2017-2018 Student Code of Personal Conduct

Article I: General Policy

The State University of New York Polytechnic Institute (“SUNY Poly”) is dedicated to the advancement of knowledge and learning and to the development of ethically responsible individuals. Students and student organizations are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. All students and student organizations are expected to conduct themselves in accordance with all federal, state and local laws, and Board of Trustees of the State University of New York (“SUNY”) rules, regulations, and policies. SUNY Poly affirms its desire to maintain a learning and living environment for all students that is free from all forms of unlawful discrimination, harassment and retaliation. SUNY Poly is committed to ensuring that all students, faculty and staff are treated with dignity and mutual respect.

In keeping with SUNY Poly’s values, any sanctions imposed are for the purposes of maintaining and restoring the standards of the campus community, educating students and student organizations about the seriousness of their action(s), and promoting civility and positive growth, while maintaining the safety and integrity of the SUNY Poly community. The Student Code of Personal Conduct applies to the SUNY Poly sites, international and exchange programs, and off-campus student conduct. This code applies to individual students as well as student organizations. The president delegates administration of the Student Code of Personal Conduct to the provost and/or the provost’s designees.

Article II: Definitions

1. The term “student” includes all persons taking SUNY Poly courses, both full-time and part-time, pursuing undergraduate, graduate, continuing education and/or professional studies (credit-bearing and non-credit bearing) and those who reside in SUNY Poly residence halls.
2. The term “faculty member” means any person hired by SUNY Poly to conduct academic or academic support activities.
3. The term “SUNY Poly official” includes any person employed by SUNY Poly, performing assigned administrative or professional responsibilities. This term also includes resident advisors performing duties within their responsibilities.
4. The term “member of the SUNY Poly community” includes any person who is a student, faculty member, SUNY Poly official, any other person employed by SUNY Poly or a SUNY Poly visitor. A person’s status in a particular situation shall be determined by the Vice President for Student Affairs or his/her designee.
5. The term “organization” means any number of persons who have complied with the formal requirements for SUNY Poly recognition.
6. The term “SUNY Poly premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by SUNY Poly (including adjacent streets and/or sidewalks).
7. The term “judicial body” means any person or persons authorized by the president to determine whether a student has violated the Student Code of Personal Conduct and to recommend imposition of sanctions, which includes, but is not limited to, the Administrative Judicial Board and the Appellate Board (which considers appeals from a judicial body).
8. The term “judicial officer” means a SUNY Poly official authorized by the Vice President for Student Affairs or his/her designee to impose sanctions upon students found to have violated the Student Code of Personal Conduct.
9. The term “judicial officer designee” refers to a designee appointed by the judicial officer to adjudicate issues related to violations occurring within the residence halls and adjacent areas.
10. The term “Title IX coordinator” refers to the SUNY Poly official or his/her designee who is responsible for coordinating Title IX compliance, which prohibits sex discrimination including sexual harassment and sexual violence. SUNY Poly’s Title IX coordinator is listed on page 32 of the Student Handbook.
11. The term “policy” is defined as the written regulations of SUNY Poly as found in, but not limited to, the Student Handbook and graduate and/or undergraduate catalogs or other SUNY Poly publications.
12. The term “Rules for the Maintenance of Public Order” is defined as regulations applicable to all SUNY campuses mandated by the Board of Trustees of the State University of New York. A copy of these rules can be found on page 60.
13. The term “accused” means a student implicated in violating this Student Code of Personal Conduct who has not yet entered SUNY Poly’s judicial process.

14. The term “respondent” shall mean a student accused of a violation of this Student Code of Personal Conduct who has entered SUNY Poly’s judicial process.
15. The term “reporting individual” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used to reference an individual who experiences and brings forth a report of a violation of the Student Code of Personal Conduct.
16. The term “bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of SUNY Poly.
17. The term “advisor or advocate” means a person who may assist, support or counsel a student participating in the judicial process.
18. The term “educational conference” is defined as a meeting to review with the student the allegations and accusations, the Student Code of Personal Conduct, the student’s options, the processes, and sanctions or potential sanctions.
19. The term “preponderance of the evidence” means whether it is more likely than not and is used for all judicial cases as the standard of proof. If the evidence presented meets this standard, then the respondent should be found responsible.
20. The term “sanction” means a consequence that results from noncompliance with a policy or policies.
21. The term “retaliation” is defined as an adverse action against another person for reporting a violation or participating in any way in the investigation or judicial process. Retaliation includes harassment and intimidation, including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.
22. The term “harassment” is defined as any course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety, including, but not limited to, unwanted, unwelcomed and uninvited behavior that demeans, threatens, offends or results in a hostile environment for the affected person.
23. The term “sexual harassment” is defined as unwelcome behavior which may include verbal, non-verbal or physical conduct that is sexual in nature and sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from SUNY Poly’s educational programs and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
24. The term “stalking” is defined as intentionally engaging in a course of conduct (two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property), directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage.
25. The term “dating violence” is defined as any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship.
26. The term “domestic violence” is defined as any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.
27. The term “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.
 - a) 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.
 - b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - c) Consent may be initially given but withdrawn at any time.
 - d) 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.

- e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - f) When consent is withdrawn or can no longer be given, sexual activity must stop.
28. The term “sexual activity” shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).
 29. The term “sex discrimination” is any behavior or action that denies or limits a person’s ability to benefit from, fully participate in the educational programs or activities or the employment opportunities of SUNY Poly because of a person’s gender, including, but not limited to, all forms of sexual harassment, sexual assault, and other sexual violence by or against employees, students, or third parties.
 30. The term “sexual violence” is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
 31. The term “sexual assault” is a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Article III: Judicial Authority

1. The judicial officer, in consultation with the Vice President for Student Affairs or designee, shall recommend to the president for appointment the composition of the judicial body and Appellate Board.
2. The judicial officer shall develop policies for the administration of the judicial process and procedural rules for the conduct of hearings that are consistent with provisions of the Student Code of Personal Conduct.
3. A judicial body may be designated as mediator of disputes within the student community in cases that do not involve a violation of the Student Code of Personal Conduct. All parties must agree to mediation, and to be bound by the decision with no right of appeal. Mediation may not be used in cases involving sexual violence.

Article IV: Student Rights

Each student, accused or reporting individual, shall have the following rights relative to the Student Code of Personal Conduct and SUNY Poly judicial proceedings:

1. To be clearly informed of SUNY Poly’s standards; these standards shall be readily available and describe expected and prohibited behavior.
2. To have SUNY Poly apply rules and regulations fairly, impartially, and equally to all students, including a process that provides adequate notice and allows a meaningful opportunity to be heard.
3. To be informed of his/her rights.
4. To exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial process of SUNY Poly.
5. To make a decision about whether or not to disclose a crime or violation and participate in the judicial process and/or criminal justice process free from pressure from SUNY Poly.
6. To make a report to university police, local law enforcement and/or state police.
7. To a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner. In cases of sexual harassment, sexual violence, dating or domestic violence or stalking, to have their complaint investigated and adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual harassment, sexual violence, domestic violence, dating violence, and stalking.
8. To be informed of the format and procedures of the SUNY Poly judicial proceedings. To be informed of the right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be provided with the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
9. To hold unaltered student status pending a final adjudication and disposition of all charges, unless interim measures have been imposed.
10. To an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
11. To have a fair disposition of all matters as promptly as possible under the circumstances.

12. To elect to dispose of the charges administratively by mutual consent with the judicial officer, or to have his/her case heard by a judicial body.
13. To be informed of the general nature of the evidence to be presented.
14. To review and question all parties and witnesses except when circumstances (as determined by the Vice President for Student Affairs or designee) make this impossible. In a case of sexual harassment, dating or domestic violence, stalking or sexual violence, the respondent and the reporting individual have the right not to question or cross examine each other directly; instead questions will go through the administrative board chair/administrative board.
15. To present factual information through relevant witnesses, personal testimony, and other relevant evidence.
16. To decline to testify against oneself. Silence will not be considered an admission of responsibility.
17. To have only relevant evidence considered by the judicial body.
18. To seek advice from an advisor or advocate of their choice who may assist, support or counsel. The advisor/advocate shall not speak on behalf of the student, question witnesses, or present information before the judicial body.
19. To be informed of all decisions within a reasonable time as established in this Student Code of Personal Conduct and as allowed by law.
20. To be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of SUNY Poly.
21. To access to at least one level of appeal of a determination.
22. To exclude unrelated behavior from the disciplinary judicial proceeding. The issue of relevance of past behavior is determined by the judicial officer or Administrative Judicial Board. In cases of sexual harassment, dating or domestic violence, stalking or sexual violence, the respondent and the reporting individual have the right to exclude prior sexual history with persons other than the other party in the judicial process or their own mental health diagnosis and treatment from admittance in the disciplinary stage that determines responsibility. Past findings of sexual harassment, dating or domestic violence, stalking or sexual violence may be admissible in the disciplinary stage that determines sanction.
23. SUNY Poly will protect the privacy of all parties to a complaint to the extent possible. When SUNY Poly receives complaints of sexual harassment, dating or domestic violence, stalking or sexual violence, SUNY Poly has an obligation to respond in a way that limits the effects of the sexual harassment, dating or domestic violence, stalking or sexual violence and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, Title IX coordinator, witnesses, and the accused. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. Certain staff are obligated by law to maintain confidentiality, including the counseling center and the local rape crisis centers off-campus.
24. To have disclosures of domestic violence, dating violence, stalking, sexual harassment and sexual violence treated seriously.
25. The respondent in all cases and the reporting individual in cases of sexual harassment, domestic or dating violence, stalking and/or sexual violence have the right to listen to a recording of a judicial proceeding during normal business hours and/or review records for an appeal upon written request.
26. The respondent in all cases and the reporting individual in cases of sexual harassment, domestic or dating violence, stalking and/or sexual violence have the right to be informed of the decision, to appeal a decision and be informed of the criteria and procedures to be followed. They also have the right to choose whether to disclose or discuss the outcome of a judicial proceeding.
27. A respondent or reporting individual has the right to provide a list of questions that he or she would like asked by the judicial officer or the Administrative Judicial Board members at a judicial proceeding to the reporting individual, respondent, witnesses or the judicial body. The questions must be submitted in writing to the judicial officer at least three (3) business days before the judicial proceeding, and the questions must be considered relevant to the accusations by the judicial officer or the Administrative Judicial Board.
28. A reporting individual has the right to request alternative arrangements if he/she does not want to be in the same room as the respondent during the judicial proceeding. These alternative arrangements are subject to the rights of the respondent. Accordingly, alternative arrangements must enable the parties and the judicial body to hear each other. In cases of sexual harassment, dating or domestic violence, stalking or sexual violence, the respondent and the reporting individual have the right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
29. In cases of sexual harassment, dating or domestic violence, stalking or sexual violence, to be treated with dignity and to receive from SUNY Poly courteous, fair, and respectful health care and counseling services, where available.

30. In cases of sexual harassment, dating or domestic violence, stalking or sexual violence, to 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.
31. In cases of sexual harassment, dating or domestic violence, stalking or sexual violence, to describe the incident to as few SUNY Poly representatives as practical and not to be required to unnecessarily repeat a description of the incident.
32. To have non-public information obtained during the course of the judicial process protected from public release until a final determination, including, if applicable, any appeal determination, is made, unless otherwise required by law.
33. To have access to a full and fair record of a student conduct hearing which shall be preserved and maintained for at least five (5) years. (Director of Student Conduct, 315-792-7530.)

Article V: Proscribed Conduct

A. Jurisdiction of SUNY Poly

Generally, SUNY Poly jurisdiction and discipline shall be limited to conduct which occurs on SUNY Poly premises, while on a SUNY Poly international or exchange program or off-campus where a nexus to SUNY Poly or the SUNY Poly community exists.

B. Conduct Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article VI:

1. Acts of dishonesty, including, but not limited to, the following:
 - a. Furnishing false information to a SUNY Poly faculty member or official.
 - b. Forgery, alteration, or misuse of any SUNY Poly document, record, or instrument of identification.
 - c. Tampering with, impeding, or coercively influencing the election process related to any SUNY Poly recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other SUNY Poly activities, including its public service functions on or off-campus, or other authorized non-SUNY Poly activities, when the act occurs on SUNY Poly premises.
3. Acts of bullying, physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person, no matter the medium (including social media).
4. Attempted or actual theft of and/or damage to property of SUNY Poly, or property of a member of the SUNY Poly community, or other personal or public property.
5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
6. Failure to comply with the directions of a SUNY Poly official or law enforcement officer acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication, or use of keys and/or access card to any SUNY Poly premises, or unauthorized entry to or use of SUNY Poly premises.
8. Violation of SUNY Poly policies, rules, or regulations.
9. Violation of federal, state, or local law at SUNY Poly-sponsored activities whether on or off SUNY Poly premises.
10. Use, possession, or distribution of narcotics, prescription drugs or other controlled or non-controlled substances except as expressly permitted by law.
11. Possession of drug paraphernalia, which includes any items that can be utilized for or are designed for the use of drugs (e.g., bowls, bongos, etc.). Any items that are fashioned for the purpose of drug use will also be considered a violation of the Student Code of Personal Conduct.
12. Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and SUNY Poly regulations (see Residence Hall Policies for more information), or public intoxication.

Note: Good Samaritan Policy: Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, SUNY Poly is concerned that those in need receive prompt medical attention. SUNY Poly cannot guarantee absolute immunity from sanctions associated with violations of the Student Code of Personal Conduct or state and federal law. However, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for "Good Samaritans." These

considerations apply only to the individual(s) who may have contributed/participated in the use and abuse of alcohol or other drugs, but who summon aid.

Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Polytechnic Institute recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence and/or sexual harassment occurs, including, but not limited to, domestic violence, dating violence, stalking, sexual harassment or sexual violence, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Polytechnic Institute strongly encourages students to report incidents of domestic violence, dating violence, stalking, sexual harassment or sexual violence to institution officials. A bystander or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual harassment or sexual violence to SUNY Polytechnic Institute officials or law enforcement will not be subject to the SUNY Polytechnic Institute's Student Code of Personal Conduct 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, sexual harassment or sexual violence

13. Illegal or unauthorized use, possession or storage of any weapon or reasonable facsimile thereof (including, but not limited to, firearms and ammunition, stun guns, air guns, paintball guns, pellet guns, bb guns, clubs, crossbows, archery equipment, sling shots, martial arts weapons, swords, knives (e.g., gravity, hunting, lock blades, throwing knives, daggers, switchblade, butterfly, etc.), fireworks and other explosives, and/or dangerous chemicals is prohibited on SUNY Poly premises.
14. Participation in a campus demonstration that disrupts the normal operations of SUNY Poly and infringes on the rights of other members of the SUNY Poly community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
15. Obstruction of the free flow of pedestrian or vehicular traffic on SUNY Poly premises or at SUNY Poly-sponsored or supervised functions.
16. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on SUNY Poly premises or at functions sponsored by or participated in by SUNY Poly.
17. Theft or other abuse of computer, telephone and voicemail privileges, including, but not limited to:
 - a. Unauthorized use or abuse of a computer account, including use of another individual's identification and password and failure to safeguard user IDs and passwords.
 - b. Sending abusive, threatening, or obscene messages.
 - c. Repeatedly sending messages with inappropriate content.
 - d. Using a SUNY Poly account to send messages without authorization.
 - e. Unauthorized entry into a file for any purpose, including: using, reading, or changing the content.
 - f. Unauthorized transfer or sharing of a file, including, but not limited to, illegal downloading, uploading or use of file sharing programs with regard to copyrighted materials.
 - g. Use of computing facilities to interfere with the work of another student, faculty member, or SUNY Poly official.
 - h. Use of computing facilities to interfere with normal operation of the SUNY Poly computing or network system.
 - i. Negligently spreading viruses, worms, or any programs that act to degrade, violate, disable, or affect service or operation of SUNY Poly's or students' personal computers connected to SUNY Poly's network.
18. Abuse of the judicial system, including, but not limited to:
 - a. Failure to obey the summons of a judicial officer, board or SUNY Poly official.
 - b. Falsification, distortion, or misrepresentation of information before a judicial body.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Knowingly initiating a judicial proceeding without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a judicial board or a judicial officer prior to, during, and/or after a judicial proceeding.
 - h. Failure to comply with the sanction(s) imposed under the Student Code of Personal Conduct.
 - i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

19. Acts of sexual violence, sexual assault, dating violence, and domestic violence, as defined in this Student Code of Personal Conduct, including performing sexual acts on or with another individual without the affirmative consent of the individual, when the individual is unable to give affirmative consent or after the individual has withdrawn consent.
20. Sexual harassment as defined in this Student Code of Personal Conduct.
21. Stalking as defined in this Student Code of Personal Conduct.
22. Bias/hate crimes, which are described as students engaging in harassment or threats of violence based on a person's race, color, ethnicity, national origin, ancestry, religion, religious practice, creed, sexual orientation, disability, age, or gender that is intended to create a situation that produces mental discomfort, harm, or injury.
23. Actions that cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment, inappropriate/ or unauthorized activation of the fire alarm system or failure to evacuate SUNY Poly buildings during a fire alarm.
24. Cruelty to animals.
25. Violation of the SUNY Poly smoking policy.
26. Violation of the Residence Hall License or Residence Hall Policies.
27. Retaliation against a reporting individual, any person who files a complaint, serves as a witness, assists, or participates in the judicial process in any manner is strictly prohibited and will result in disciplinary sanctions. Participants who experience retaliation in a case of sexual harassment, sexual violence, dating or domestic violence or stalking should contact the Title IX coordinator. (Please refer to page 32 for the designee.)

C. Violation of Law and SUNY Poly Discipline

1. SUNY Poly disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of this Student Code of Personal Conduct. Generally, proceedings under this Student Code of Personal Conduct will be pursued without regard to pending civil litigation in court or criminal arrest and prosecution.
2. When a student is charged by federal, state, or local authorities with a violation of law, SUNY Poly will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code of Personal Conduct, however, SUNY Poly may advise off-campus authorities of the existence of the Student Code of Personal Conduct and of how such matters will be handled internally within the SUNY Poly community. SUNY Poly will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and SUNY Poly community members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

In cases of sexual harassment, sexual violence, dating or domestic violence or stalking, students have the right to have the judicial process run concurrently with a criminal justice investigation and/or proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.

3. Cease and Desist: SUNY Poly officials may, under appropriate circumstances, order a student and/or student organization to cease and desist from an activity considered to be disruptive to SUNY Poly.

Article VI: Judicial Procedures: Violations of the SUNY Poly Student Code of Personal Conduct

A. Determination of Accusations

1. Alleged violations of the Student Code of Personal Conduct may be reported to the judicial officer or other responsible SUNY Poly officials, who shall report the alleged violation to the appropriate SUNY Poly official.
2. The judicial officer will review the information to determine if a student will be accused of violating the Student Code of Personal Conduct. Note: Except in egregious or serious campus safety-related violations, including cases of sexual harassment, sexual violence, dating or domestic violence or stalking, the Vice President for Student Affairs or designee may not accuse a student of a violation of the Student Code of Personal Conduct more than one (1) year after the date the conduct occurred or was discovered, whichever is later.
3. In cases of sexual harassment, sexual violence, dating or domestic violence or stalking, a SUNY Poly official will obtain a written acknowledgment from the reporting individual(s) or complete such to document: (1) the SUNY Poly employee or representative who spoke to or worked with the reporting individual(s), as well as the date; (2) which options the reporting individual(s) would like to pursue, including the criminal justice system, the student judicial system, both, or none; (3) that the reporting individual(s) received information about resources (medical, counseling, academic) available to them.

B. Notice of Accusations

1. Unless circumstances prohibit, the judicial officer will notify the accused in writing and/or by e-mail of the allegation(s) and accusation(s) within ten (10) business days of the written report to the Community Standards Office. For cases referred to University Police or the Title IX Office, the 10 business days begins run upon receipt of official report from those offices to the Community Standards Office.
2. The notice of accusation(s) will direct the accused to schedule an educational conference with the judicial officer by a specified date, not to exceed five (5) business days from the date of notice. If the accused needs to reschedule the educational conference, the accused must notify the judicial officer no less than twenty-four (24) hours prior to the scheduled conference and request a rescheduling of the conference.

C. Educational Conference

1. The purpose of the educational conference is to review with the accused the allegations and accusations, the Student Code of Personal Conduct, the judicial proceeding forum options, the judicial process and possible sanctions.
2. If the accused fails to attend the educational conference, the matter may be referred to the Administrative Judicial Board.
3. During the educational conference the accused will be given the opportunity to accept responsibility or not accept responsibility for the alleged violation(s).
4. If the accused accepts responsibility for the alleged violations and such violations are not egregious or serious campus safety-related violations, including sexual harassment, dating or domestic violence, stalking or sexual violence, the accused may waive his/her right to a judicial proceeding:
 - a. In such instances, the accused will be asked to sign a form indicating his or her acceptance of responsibility and that he or she is waiving the right to a judicial proceeding. The judicial officer will send a letter documenting student responsibility and the sanctions imposed within five (5) business days of the educational conference, except when additional time is necessary for extenuating circumstances as determined by the Vice President for Student Affairs or designee and upon written notification to the accused.
5. If the accused does not accept responsibility for the alleged violation(s) or requests a judicial proceeding:
 - a. The accused will be asked to sign a form indicating that he/she does not accept responsibility for the alleged violation(s) and/or he/she requests a judicial proceeding.
 - b. The judicial officer shall schedule a judicial proceeding with the Administrative Judicial Board ten (10) business days of the educational conference unless special periods (breaks, etc.) dictate otherwise.
 - c. The accused shall be notified, in writing and/or by e-mail, of the time and place of the Administrative Judicial Board proceeding at least four (4) business days prior to the hearing. Prior to the judicial proceeding, the accused shall be afforded the opportunity to review a copy of statements and pertinent records that will be presented.

D. Administrative Judicial Board

1. The Administrative Judicial Board shall have jurisdiction over cases of alleged violations of the Student Code of Personal Conduct.
2. The Administrative Judicial Board members shall be appointed annually by the Vice President for Student Affairs. The Vice President for Student Affairs shall appoint ten (10) administrators and/or faculty members and ten (10) student representatives from within the SUNY Poly community (excluding visitors) to serve as Board members. It is the responsibility of the Director of Community Standards to recommend names to the president for appointment to the Administrative Judicial Board. The student representatives will be selected from an application process and a pool of ten (10) students will be selected to serve. If vacancies occur within any of the positions, the Vice President for Student Affairs may fill such vacancies to complete the remainder of the vacant term.
3. A quorum of five (5) Administrative Judicial Board members (to include at least: (a) two (2) students; and (b) two (2) administrators and/or faculty members) shall be required for a judicial proceeding; one member shall serve as chair of the proceeding (determined by the members of the proceeding). All determinations by the Administrative Judicial Board are to be made by majority vote; abstentions are not permitted.

E. Judicial Proceeding

A judicial proceeding is not a legal process; it is an educational process. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in a judicial proceeding.

1. Student Status: An accused's or respondent's status on campus will remain unchanged pending the final decision of the judicial proceeding and/or the appeal process, except in cases where interim measures are taken.
2. Hold on Student's Records: SUNY Poly may place a hold on the records or registration of any accused or respondent who fails to respond to a SUNY Poly disciplinary notice or fulfill any sanctions previously issued. SUNY Poly may take other action necessary for resolution of a case prior to the accused's or respondent's enrollment in a subsequent semester, transfer or graduation. All pending disciplinary matters must be resolved prior to a student's graduation, transfer from or continued education at SUNY Poly.
3. Accommodations for Students with Disabilities: Any student with a documented disability may request reasonable accommodations during the disciplinary process. If necessary, the judicial officer or Administrative Judicial Board may postpone the judicial proceeding to provide reasonable accommodations.
4. Safety Procedures: The judicial officer or Administrative Judicial Board may accommodate concerns for the safety of the individuals involved by providing separate facilities or other alternatives.
5. Failure to Appear: If a respondent fails to appear, the judicial proceeding may proceed in the respondent's absence. Except in the case of a student charged with failing to obey the summons of a judicial body or SUNY Poly official, no student may be found to have violated the Student Code of Personal Conduct solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.
6. All judicial proceedings shall be conducted in private, and be closed and confidential to the extent allowed by law.
7. Duties of the Administrative Judicial Board with regard to process:
 - a. Receive and consider pertinent evidence.
 - b. Make determinations regarding requests for postponements, where appropriate.
 - c. Make determinations as to procedural questions.
 - d. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
 - e. Take any other action deemed necessary.
8. Information: The Vice President for Student Affairs or designee, the reporting individual, and the respondent shall be given an opportunity to provide information. This may include, but is not limited to, pertinent records, documents, and written or oral statements. The respondent and the reporting individual in any case will be given an opportunity to review available evidence in the case file.
9. Witnesses: All parties involved in the judicial proceeding may request that witnesses attend the judicial proceeding if it can be shown that each witness has relevant testimony or other evidence to offer. In order to preserve the educational atmosphere of the judicial proceeding and to avoid creation of an adversarial environment, questions for witnesses may be directed through the Administrative Judicial Board. Witnesses shall be summoned to the judicial proceeding by the judicial officer.
10. Advisor/Advocate: The respondent and reporting individual have the right to have an advisor or advocate of their choice who may assist, support or counsel. The advisor/advocate shall not speak on behalf of the student, question witnesses, or present information before the board. Advisors/Advocates may speak privately to their advisee

during the proceeding. Either party may request a brief recess to consult with their advisor/advocate which will be granted at the discretion of the chair of the Administrative Judicial Board.

11. Standard of Proof: The judicial body's determination shall be made on the basis of whether there is a preponderance of the evidence that the respondent violated the Student Code of Personal Conduct.
12. Multiple Students Accused: In cases involving multiple students accused relating to the same incident, information obtained at one judicial proceeding may be used at another judicial proceeding provided that each accused student involved has the opportunity to review and respond to the information at his or her judicial proceeding.
13. Deliberations: All deliberations are closed and shall include only the judicial officer and the Administrative Judicial Board members involved in the decision-making process.
14. Decisions of "Responsible" or "Not Responsible" on the Accusation(s): These decisions shall be based on the information presented at the judicial proceeding. The Administrative Judicial Board (by majority vote, no abstentions) shall determine whether the respondent has violated the Student Code of Personal Conduct as alleged. The Vice President for Student Affairs or designee may release information concerning a student's judicial record in accordance with the law.
15. Impact Statement: In cases of sexual harassment, sexual violence, dating or domestic violence or stalking, the respondent and the reporting individual have the right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
16. Sanctions: In cases in which the Administrative Judicial Board determines that a respondent is responsible for violating the Student Code of Personal Conduct, the board shall: agree (by majority vote, no abstentions) on appropriate sanction(s) and communicate the Board's decision regarding the respondent's responsibility and a recommendation of appropriate sanction(s) to the Vice President for Student Affairs or designee.
17. Notice of Decisions: In all cases, the Administrative Judicial Board shall send a written decision letter to the Vice President for Student Affairs or designee within three (3) business days following the close of the judicial proceeding. This time may be extended for deliberations when necessary and the respondent, reporting individual and the Vice President for Student Affairs or designee shall be notified of any such extensions.
 - a. The decision letter shall contain a decision on each accusation, any findings of fact, and any recommended sanctions.
 - b. The Vice President for Student Affairs or designee is required to accept the Administrative Judicial Board's decision unless the Vice President for Student Affairs or designee determines that said decision is arbitrary and capricious. The Vice President for Student Affairs or designee is not required to accept the Administrative Judicial Board's recommendation of appropriate sanctions. Specifically, the Vice President for Student Affairs or designee may reduce the sanctions recommended by the Administrative Judicial Board, but may not increase the sanctions. The respondent shall receive a notice of decision from the Vice President for Student Affairs or designee within three (3) days of receipt of the letter from the Administrative Judicial Board.

Reporting individuals and the respondent in sexual harassment, sexual violence, dating and domestic violence, and stalking incidents have the right to be informed, in writing and/or by e-mail, in a way consistent with the law, of the result, essential findings, and sanctions of the hearing, as well as notice of the appeal process, any possible changes to the result that may occur before it becomes final, and when the result becomes final. The reporting individual and respondent shall be notified concurrently in writing and/or by e-mail within six (6) business days of the Administrative Judicial Board's decision.

18. Record: There shall be a verbatim record, such as an audio recording, of all hearings before the judicial board. The record shall be the property of SUNY Poly and will be retained for seven (7) years.

F. Sanctions

1. One or more of the following sanctions may be imposed upon any respondent found to have violated the Student Code of Personal Conduct:
 - a. Warning: A notice in writing to the respondent that he/she is in violation or has violated institutional regulations.
 - b. Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and may result in more severe disciplinary sanctions if the respondent is found to be violating any institutional regulation(s) during the probationary period.
 - c. Loss of Privileges: Denial of specified privileges for a designated period of time.
 - d. Restitution: Monetary compensation for loss or damages.

- e. Community Restitution: Work assignments, service to SUNY Poly or other related discretionary assignments (such assignments must have the prior approval of the judicial officer).
 - f. Educational Paper: Respondent is required to submit a typed paper on a topic at a length specified by a judicial body.
 - g. Educational Requirement: Respondent may be required at their own expense to receive a substance abuse evaluation or attend a substance abuse education/treatment program, college counseling, or other educational opportunity that the judicial body deems appropriate.
 - h. Change in Residence Hall Assignment: Written direction to relocate a respondent to an alternative residence hall assignment.
 - i. Persona Non Grata Status: Exclusion from part or all of SUNY Poly premises for a specified period of time. During this time, the respondent is prohibited from entering or participating in any function within the restricted area(s).
 - j. Residence Hall Suspension: Separation of the respondent from the residence halls for a definite period of time, after which he/she is eligible to return. The respondent will be liable for all assessed room and board charges. Conditions for return may be specified.
 - k. Residence Hall Expulsion: Permanent separation of the respondent from the residence halls. The respondent will be liable for all assessed room and board charges.
 - l. SUNY Poly Suspension: Separation of the respondent from SUNY Poly for a definite period of time, after which he/she is eligible to return. Conditions for readmission may be specified. Respondents who are suspended during an academic semester will be withdrawn from all coursework with a (W) grade and be liable for all assessed charges including tuition, fees and room and board.
 - m. SUNY Poly Expulsion: Permanent separation of the respondent from SUNY Poly. Respondents who are expelled during an academic semester will be withdrawn from all coursework with a (W) grade and be liable for all assessed charges including tuition, fees and room and board.
 - n. No Contact Order: A directive informing a respondent that he or she is not to have any contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, written contact, e-mail or other electronic communication, telephone, or via third parties.
2. Withholding of Degrees/Diplomas/Certificates/Transcripts: SUNY Poly may withhold issuing a degree, diploma or transcript pending compliance with SUNY Poly rules, regulations, or policies or pending completion of the process set forth in this Student Code of Personal Conduct, including the completion of all imposed sanctions.
 3. More severe sanctions may result for repeat offenders.
 4. More than one of the sanctions listed above may be imposed for any single violation.
 5. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Section F1, a through g.
 - b. Deactivation: Loss of all privileges, including SUNY Poly recognition, for a specified period of time.
 6. Penalty Enhancement for Bias-Related Offenses: For any violation where there is a preponderance of the evidence that the conduct was directed toward the reporting individual's race, color, ethnicity, national origin, ancestry, religion, religious practice, creed, sexual orientation, disability, age, or gender, a penalty enhancement will be added to the sanction.
 7. SUNY Poly considers sexual harassment, sexual violence, dating violence, domestic violence, and stalking as extremely serious violations and subject to suspension, expulsion and those sanctions listed in section F.1., b through n of the Student Code of Personal Conduct. For respondents found responsible for sexual assault, the available sanctions are suspension, with additional requirements, or expulsion from SUNY Poly.
 8. As permitted by law, the judicial officer may notify a student's parents or legal guardian of violations of the Student Code of Personal Conduct.

G. Transcript Notation

A respondent's transcript may be subject to disciplinary notation for the following reasons:

- a. Hazing, and other serious violations which may include, but are not limited to, physical abuse, sexual harassment, sexual violence, dating or domestic violence, stalking, weapons possession, burglary, arson, theft, drug or alcohol sale, or any conduct that could lead to the death or physical injury of another person.
 1. If a respondent is found responsible and suspended a notation of "suspension after a finding of responsibility for a code of conduct violation," along with the date the suspension is imposed, shall be noted on his or her transcript.

2. If a respondent is found responsible and dismissed from SUNY Poly, a notation of “expelled after a finding of responsibility for a code of conduct violation,” along with the date the expulsion is imposed, shall remain on his or her transcript permanently.
 3. If an accused or respondent withdraws from SUNY Poly while Student Code of Personal Conduct charges are pending and he or she declines to complete the judicial process, SUNY Poly shall notate on the accused’s or respondent’s transcript “withdrew with conduct charges pending.”
- b. After a significant passage of time (no less than one (1) year from the date the suspension concludes) and with written documentation of rehabilitation or other good cause shown, a respondent who was suspended may appeal in writing to the Vice President for Student Affairs to remove these notations. The decision of the Vice President for Student Affairs on whether to remove the notation is final.
 - c. If a finding of responsibility is vacated, transcript notations shall be removed.

H. Interim Actions

In certain circumstances, the Vice President for Student Affairs or designee may impose a SUNY Poly or residence hall suspension and/or issue a no contact order prior to the judicial proceeding before a judicial body.

1. Interim suspension may be imposed (a) to ensure the safety and well-being of members of the SUNY Poly community or preservation of SUNY Poly property; (b) if the accused or respondent poses a definite threat of disruption of or interference with the normal operations of SUNY Poly; or (c) in the case tampering has occurred with any fire detection, notification, suppression, protection system or equipment.
2. During the interim suspension, the accused or respondent shall be considered persona non grata from the residence halls, campus (including classes), and/or other SUNY Poly activities or privileges for which the accused or respondent might otherwise be eligible, as deemed appropriate by the Vice President for Student Affairs, his/her designee or the judicial officer. The accused or respondent must have written permission from the judicial officer prior to coming to campus for any reason.
3. Interim suspension will be imposed for the length of time determined to be appropriate by the Vice President for Student Affairs, designee or the judicial officer.
4. An accused/respondent placed on interim suspension pending a hearing before a judicial body or the reporting individual in cases involving sexual harassment, sexual violence, dating and domestic violence and stalking shall be entitled to a prompt review of the need for interim suspension and the terms of such. Any party seeking a review shall submit a written request to the Vice President for Student Affairs, his/her designee or the judicial officer within three (3) business days of the interim suspension or notification of the alleged complaint. Upon receipt of the request to review, the Vice President for Student Affairs, designee or judicial officer shall allow the accused/respondent and the reporting individual to present evidence relating to the need for or terms of the interim suspension. The decision of the Vice President for Student Affairs, designee or judicial officer shall be made within two (2) business days of the review and shall be final. The accused/respondent and reporting individual shall be notified of the decision with respect to the review.
5. No Contact Order: In certain cases, prior to a hearing before a judicial body, an appropriate SUNY Poly official may issue a directive informing an accused/respondent that he or she is not to have any contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, written contact, e-mail or other electronic communication, telephone, or via third parties. It is the responsibility of the accused/respondent to immediately leave the area where the reporting individual may be and without directly or indirectly contacting the reporting individual.
 - a. Any violation of a no contact order by the accused/respondent shall be considered a separate violation of the Student Code of Personal Conduct.
 - b. In all cases involving alleged sexual harassment, sexual violence, dating and domestic violence and stalking SUNY Poly shall issue a no contact order.
 - c. The accused/respondent and the reporting individual in cases involving sexual harassment, sexual violence, dating and domestic violence and stalking shall be entitled to a prompt review of the need for a no contact order. Any party seeking such a review shall submit a written request to the Vice President for Student Affairs, his/her designee or the judicial officer within three (3) business days of the issuance of the no contact order. Upon receipt of the request to review, the Vice President for Student Affairs, designee or judicial officer shall allow the accused/respondent and the reporting individual to present evidence relating to the need for a no contact order. The decision of the Vice President for Student Affairs, designee or judicial officer shall be

made within two (2) business days of the review and shall be final. The accused/respondent and reporting individual shall be notified of the decision with respect to the review.

I. Appeals

1. The respondent or student organization found responsible may appeal the decision in writing to the Vice President for Student Affairs or designee. The appeal must be received in the Vice President for Student Affairs' office by the close of business on the fifth (5th) business day following the date the decision is delivered. The Appellate Board will be convened within five (5) business days of receipt of the appeal. Grounds for filing an appeal are limited to the following:
 - a. The rights of the respondent(s), student organization(s) or reporting individual(s) were violated in the judicial proceeding process;
 - b. New information is discovered that was not available at the time of the judicial proceeding;
 - c. The information presented does not support the decision;
 - d. The sanction(s) imposed were not appropriate for the violation.
2. An appeal shall be limited to a review of the verbatim record of the judicial proceeding, any new submitted information that was not previously available, and supporting documents submitted at the judicial proceeding.
3. A quorum of three (3) Appellate Board members composed of at least one (1) student and at least one (1) faculty or staff shall be required for an appeal of a judicial proceeding. The SUNY Poly president shall appoint the membership from the SUNY Poly community (excluding visitors) as necessary. One member of the Appellate Board shall serve as the chair of the body. Members of the Appellate Board must deliberate in a fair and impartial manner and may not have a conflict of interest.
4. The Appellate Board shall consider appeals by students or student organizations from findings and/or recommendations of the Administrative Judicial Board. The Appellate Board may choose one of the following courses of action by majority vote of all voting members (no abstentions):
 - a. Uphold the decision of the Administrative Judicial Board and implement the sanction(s), if any.
 - b. Uphold the decision of the Administrative Judicial Board, but change the sanction(s).
 - c. Overturn the decision of the Administrative Judicial Board and, if appropriate, implement sanctions.
5. Reasons must be provided for the Appellate Board's decision, including a decision on each accusation, any findings of fact, and the sanction imposed, if any.
6. The Appellate Board shall report its decision via letter to the Vice President for Student Affairs or designee within three (3) business days. The Vice President for Student Affairs or designee shall communicate the decision of the Appellate Board to the respondent or student organization, via certified letter and/or e-mail, within three (3) business days of receipt of the board's decision. If the Vice President for Student Affairs or designee determines that the Appellate Board's decision is arbitrary or capricious, the Vice President for Student Affairs or designee may send it back to the Appellate Board for further review.
7. A respondent may appeal the decision of the Appellate Board to the SUNY Poly president only when the sanction involves separation from SUNY Poly. This appeal must be submitted to the SUNY Poly president by close of business on the fifth (5th) business day following receipt of the Vice President for Student Affairs' letter. If the president agrees to consider an appeal, in his or her sole discretion, he/she shall review the records of the Appellate Board, judicial officer and/or the Administrative Judicial Board and such written submissions and oral arguments as the president requests. The president shall make such disposition of the case as he/she deems appropriate, which disposition shall be final.
8. In cases where the reporting individual is a victim of sexual harassment, sexual violence, dating or domestic violence or stalking, he or she has the right to appeal the finding or sanction under the same rules, and for the same grounds, as the respondent may appeal. In such cases, the respondent and reporting individual shall be notified concurrently in writing of the appeal decision within six (6) business days of the decision.

J. Timeline for Proceedings

If extraordinary circumstances prevent any step from occurring within the stated time frame, all parties will be promptly notified in writing of the delay, the reason for the delay, and an estimated time for the step to occur. Participants may also request an extension from SUNY Poly, which may be granted, in the discretion of the appropriate SUNY Poly official, if it will not unduly prejudice the rights of the other party.

Article VII: Interpretation and Revision

1. Any questions of interpretation regarding the Student Code of Personal Conduct shall be referred to the Vice President for Student Affairs or his/her designee for final determination.
2. The Student Code of Personal Conduct shall be reviewed every year under the direction of the Vice President for Student Affairs or designee in consultation with the office of University Counsel.

SUNY Board of Trustees Rules for the Maintenance of Public Order

Summary

It is the policy of the State University of New York (University) to comply with legal requirements of NYS Education Law §6430. Accordingly, the Board of Trustees of the State University of New York has adopted written rules (8 NYCRR §535) for the maintenance of public order on University campuses and other campus properties used for educational purposes pursuant to NYS Education Law §6430.

This policy outlines the rules for the maintenance of public order (including prohibited conduct), applicability and communication of the rules, and statements regarding freedom of speech, assembly, picketing and demonstrations on campuses. Campus procedures and penalties for the violation of the rules and enforcement procedures are prescribed.

Policy

I. Rules for the Maintenance of Public Order

The Board of Trustees of the State University of New York (University) has adopted written rules (8 NYCRR §535) for the maintenance of public order on campuses of the University and other campus properties used for educational purposes pursuant to NYS Education Law §6430.

A. Prohibited Conduct – No person either singly or in concert with others shall:

1. willfully cause physical injury to another person, nor threaten to do so;
2. physically restrain or detain any other person;
3. remove anyone from any place where he or she is authorized to remain;
4. willfully damage or destroy property of the campus or property under its care;
5. remove property of the campus or property under its care;
6. use campus property or property in the campus's care without authorization;
7. enter into any private office of an administrative officer, member of the faculty or staff member without implied or explicit permission;
8. ente
r into and remain in any campus building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use;
9. remain in any building or facility after it is closed without authorization;
10. refuse to leave a campus building or facility after being required to do so by an authorized administrative officer;
11. obstruct the free movement of people and vehicles in any place to which these rules apply;
12. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lecture and meetings;
13. deliberately disrupt or prevent the freedom of any person to express his or her views, including invited speakers;
14. knowingly have in his or her possession upon the premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the president whether or not a license to possess the weapon has been issued to the person;
15. willfully incite others to commit any of the acts prohibited in this section with the specific intent to procure them to do so; or
16. take any action, create or participate in the creation of any situation, which recklessly or intentionally endangers the mental or physical health of anyone for the initiation into or affiliation with any organization.

B. Supplementary Rules – The rules in section I.A. of this policy may be supplemented by additional rules for the maintenance of public order but only to the extent that such rules are not inconsistent with those listed here.

1. The additional campus rules must be approved by the Board of Trustees of the State University of New York and filed with the commissioner of education and the Board of Regents within 90 days of adoption by the Board of Trustees.
 - a. The establishment of supplementary rules for the maintenance of public order does not preclude the establishment of student behavior codes by College Councils in accordance with the procedures described in Board of Trustees policy Student Conduct Regulation Guidelines.
 - b. Hereafter, whenever this policy refers to the Rules for the Maintenance of Public Order it shall also be deemed to include any supplementary rules promulgated hereunder.

C. Applicability of the Rules – The rules and regulations contained in section I.A. of this policy govern the conduct of students, faculty, all other staff, licensees, invitees and all other persons, whether or not their presence is authorized, upon any University campus to which the rules apply. They also apply to the same individuals with

respect to any other premises or property, under the control of the University or University campus, and that are used in teaching, research, administrative service, cultural, recreational, athletic or other programs and activities.

1. Charges against any student for violation of the rules in section I.A. of this policy that result from alleged actions upon the premises of any other campus to which these rules apply shall be heard and determined at the campus where the student is enrolled.
- D. Communication of the Rules** – The rules in section I.A. of this policy as well as any approved additional campus rules for the maintenance of public order shall be provided to all students enrolled in the campuses of the University.
1. Campuses shall promptly communicate with all members of the campus community (administration, faculty, staff and students) on issues related to the rules in section I.A. of this policy as well as supplementary rules adopted and approved by the Board of Trustees.
 2. To the extent that time and circumstances permit, such communication shall precede the exercise of the authority, discretion and responsibilities granted and imposed by the rules in this policy. Each campus in matters such as these shall employ such procedures and means, formal and informal, as will promote such communication.

E. Freedom of Speech and Assembly; Picketing and Demonstrations.

1. No student, faculty member or other staff member or authorized visitor shall be subject to any limitation or penalty for expressing his or her views or for assembling with others for such purpose;
 - a. peaceful picketing and other orderly demonstrations in public areas of campus grounds and buildings are not subject to interference provided there are no violations of the rules in section I.A. of this policy.
2. In order to provide maximum protection to the participants expressing their freedom of speech and to the campus community, each president shall:
 - a. promulgate procedures appropriate to that campus for provision of reasonable advance notice of the date and time of any planned assembly, picketing or demonstrations upon the grounds of the campus; the proposed location of the assembly or exercise; and the intended purpose;
 - i. the procedures and processes shall be reviewed and revised periodically;
 - ii. the procedures and processes for advance notice shall not be made a condition precedent to any assembly, picketing or demonstration; and
 - iii. providing advance notice shall not automatically have permission to use a campus facility or building without also following the appropriate processes for obtaining permission to use campus facilities and buildings.

II. Campus Procedures and Penalties for the Violation of the Rules of Maintenance of Public Order

The Board of Trustees of the State University of New York has adopted campus procedures and penalties for the violation of the rules of maintenance of public order on campuses and other campus properties used for educational purposes pursuant to NYS Education Law §6430, as outlined herein.

A. Procedures and Penalties for Different Categories of Individuals.

1. The president shall inform any licensee or invitee who shall violate any provisions of these rules that his or her license or invitation is withdrawn and shall direct him or her to leave the property of the campus. In the event of a failure or refusal to leave the premises the president shall cause the licensee or invitee's ejection from the campus.
2. In the case of any other violator, who is neither a student nor faculty or other staff member, the president shall inform the violator that they are not authorized to remain on the property of the campus and direct them to leave the premises. In the event of a failure or refusal to leave the premises the president shall cause the violator's ejection from the campus's property.

Nothing in this subdivision shall be construed to authorize the presence of anyone at any time prior to such violation nor to affect his or her liability to prosecution for trespass or loitering as prescribed in the penal law.

3. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner hereinafter provided in section II.3.b. and section II.3.c. of this policy.
 - a. The policy Student Conduct Regulation Guidelines authorized by NYS Education Law §356(3)(g) and codified in 8 NYCRR §500 provides for College Councils to promulgate or review and ratify rules for student conduct subject to supervision of the Board of Trustees of the State University of New York. The rules so established

in such local conduct codes are valid only if they are adopted by College Councils in the manner consistent with Trustee policy. The decision to charge a student under such rules in the campus's local conduct code or those rules contained in section I.A. of this policy must be made. Once the choice is made, the campus must completely adhere to and follow the procedures, processes and penalties described for the path elected. A campus cannot charge a student under both the campus local code of conduct and the rules and procedures set forth in this policy.

b. Notice, Hearing and Determination of Charges against Students

- i. Whenever a complaint is made to the president of a violation by a student or students of the rules prescribed in section I.A. of this policy or whenever he or she has knowledge that such a violation may have occurred, he or she shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the facts reduced to writing.
 - ii. If the president is satisfied from such investigation and statements that there are reasonable grounds to believe that there has been such a violation, he or she shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation.
 - iii. The charges shall state the specific offense and section designation of the offense's prohibition and shall specify the ultimate facts alleged to constitute the offense. Such charges shall be in writing and shall be served on the student or students named therein by delivering the charges to the student or students personally, if possible, or, if not, by mailing a copy of such charges by registered mail to the student or students at their usual place or places of abode while attending campus and also to their home address or addresses, if different.
 - iv. The notice of charges so served shall fix a date for a hearing of the charges not less than 10 or more than 15 days from the date of service which shall be the date of mailing where necessary to effect service by mail.
 - v. Failure to appear in response to the charges on the date fixed for the hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate. Before taking such action, the hearing committee, referred to section II.3.c. of this policy, shall give notice to any student, who has failed to appear, in the manner prescribed in section II.3.b.iv. of this policy, of its proposed findings and recommendation to be submitted to the president and shall so submit such findings and recommendations 10 days thereafter unless the student has meanwhile shown good cause for his or her failure to appear, in which case the hearing shall be rescheduled.
 - vi. Upon demand at any time before or at the hearing, the student charged or his or her duly designated representative shall be furnished a copy of the statements taken by the president in relation to such charges and the names of other witnesses who will be produced at the hearing in support of the charges. The provision of the witness names and statements shall not preclude the testimony of witnesses who were unknown at the time of such demand.
 - vii. The president may, upon the service of charges, suspend the student named therein, from all or any part of the campus's premises or facilities pending the hearing and determination thereof, whenever, in the president's judgment, the continued presence of such student would constitute a clear danger to himself or herself or to the safety of persons or property on the premises of the campus or would pose an immediate threat of disruptive interference with the normal conduct of the campus's activities and functions; provided, however, that the president shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.
4. In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules shall be made, heard and determined in accordance with title D of Part 338 of the Policies of the Board of Trustees [see UUP Bargaining Agreement Article 19.]
- a. Penalties – If a faculty member having a continuing or term appointment, is found guilty of misconduct through violations of the rules in section I.A. of this policy, he or she may be subject to dismissal or termination of his or her employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
5. In the case of any staff member who holds a position in the classified civil service, described in NYS Civil Service Law §75, charges of misconduct in violation of these rules shall be made, heard and determined as prescribed in that section.
6. Any other faculty or staff member who shall violate any provision of these rules be dismissed, suspended without pay, or censured by the appointing authority as prescribed in the Policies of the Board of Trustees.

7. Organizations which operate upon any campus of the University or upon the property of any University campus used for educational purposes shall be prohibited from authorizing the conduct described in section I.A.16. of this policy.

a. The president at each campus shall be responsible for the enforcement of this section.

b. Whenever the president has determined on the basis of a complaint or personal knowledge that there is reasonable ground to believe that there has been a violation of section I.A.16. of this policy by any organization, the president shall prepare or cause to be prepared written charges against the organization, which shall state the rule, and section violated and shall specify the ultimate facts alleged to constitute such violation.

c. Such written charges shall be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within 10 days of receipt of said notice. The notice of the charge so served shall include a statement that the failure to submit a response within 10 days shall be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of the penalty described in section II.A.7.g. of this policy. The response shall be submitted to the president and shall constitute the formal denial or affirmation of the ultimate facts alleged in the charges. The president may allow an extension of the 10-day response period.

d. Upon written request, by an authorized representative of the organization, the president shall provide the representative organization an opportunity for a hearing. A hearing panel designated by the president shall hear or receive any testimony or evidence which is relevant and material to the issues presented by the charge and which will contribute to a full and fair consideration thereof and determination thereon. The organization's representative may confront and examine witnesses against and may produce witnesses and documentary evidence on its behalf.

e. The hearing panel shall submit written findings of fact and recommendations for disposition of the charge to the president within 20 days after the close of the hearing.

f. Final authority to dismiss the charges or to make a final determination shall be vested in the president. Notice of the decision shall be in writing; shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail in the manner described in section II.A.7.c. of this policy within a reasonable time after such decision is made.

g. Any organization, which authorizes the prohibited conduct described in section I.A.16. of this policy, shall be subject to the rescission of permission to operate upon the campus or upon the property of the campus. The penalty provided in this subdivision shall be in addition to any penalty which may be imposed pursuant to the penal law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this policy or the student code of conduct for the campus.

c. The Hearing Committee and Its Procedures for Charges against Students

i. There shall be constituted at each campus a hearing committee to hear charges against students of violation of the rules for the maintenance of public order entailed to in section I.A. of this policy. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the president, and three students who shall be designated by the members named by the president. The president shall appoint a chairperson of the committee.

ii. Each such member shall serve until his or her successor or replacement has been designated.

iii. No member of the committee shall serve in any case where he or she is a witness or is or has been directly involved in the events upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the president shall designate an alternate member of the administrative staff and an alternate member of the faculty, and the president's principal designees shall designate an alternate student member, to serve in such cases.

iv. Any five members of the committee may conduct hearings called by the chairperson and make findings and recommendations as hereinafter provided. At any campus where the president determines that the number of hearings which will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he or she may determine that the hearing committee shall consist of six members of the administrative staff and six members of the faculty to be designated by him or her and of six students who shall be designated by the members designated by him or her. In such event the president shall designate one of such members as chairperson who may divide the membership of the committee into three divisions each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearings and make recommendations as hereinafter provided.

v. The hearing committee shall not be bound by the technical rules of evidence but may hear or receive any testimony or evidence which is relevant and material to the issues presented by the charges and which will contribute to a full and fair consideration thereof and determination thereon.

vi. A student against whom the charges are made may appear by and with representatives of his or her choice. The charged student but not his or her representatives or witnesses may confront and examine witnesses against him or her and may produce witnesses and documentary evidence in their own behalf.

vii. There may be present at the hearing: the student charged and his or her representatives and witnesses; other witnesses; representatives of the campus's administration; and, unless the student shall request a closed hearing, such other members of the campus community or other persons, or both, as may be admitted by the hearing committee.

viii. A transcript of the proceedings shall be made.

ix. Within 20 days after the close of a hearing, the hearing committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the president together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his or her representative. Within 10 days thereafter the president shall make his determination thereon.

x. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend or otherwise discipline them shall be vested in the president. If the president shall reject the findings of the hearing committee in whole or in part, he or she shall make new findings which must be based on substantial evidence in the record and shall include them in the notice of the final determination which shall be served upon the student or students with respect to whom it is made.

d. Penalties – Students found to be responsible for a violation of the rules of public order shall be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.

III. Mandates for Enforcement of the Rules for Maintenance of Public Order

A. The Board of Trustees of the State University of New York has adopted enforcement policies for the rules and regulations for the maintenance of public order on campuses and other campus properties used for educational purposes pursuant to NYS Education Law §6430 as outlined herein.

Enforcement Program

1. The president shall be responsible for the enforcement of the rules in §I.A. of this policy and he or she may designate to other administrative officers authorization to take action in accordance with such rules when required or appropriate to carry them into effect.
2. It is not intended by any provisions herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the campus. In the case of any apparent violation of the rules in section I.A. of this policy by such persons, which, in the judgment of the president, does not pose any immediate threat of injury to person or property, the president may make reasonable effort to learn the cause of the conduct in question. They may make a reasonable effort to persuade those engaged therein to desist and resort to permissible methods for the resolution of any issues which may be presented. In doing so, the president shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the campus where their continued presence and conduct is in violation of these rules.
3. In any case where violation of the rules in section I.A. of this policy does not cease after such warning and in other cases of willful violation of such rules, the president shall cause the ejection of the violator from any premises, which he or she occupies in such violation. The president shall initiate disciplinary action as provided in section II of this policy.
4. The president may apply to the public authorities for any aid, which he or she deems necessary in causing the ejection of any violator of these rules.
5. The president may request the University counsel to apply to any court of appropriate jurisdiction to restrain the violation or threatened violation of such rules.

Definitions

Organization – includes but is not limited to, recognized campus or student government organizations or clubs, alumni organizations, athletic teams and clubs, fraternities and sororities or any group that has access to and uses campus facilities.

Crime Statistics and Definitions

The Campus Security Act also delineates what offenses/violations need to be reported. The section on campus crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession which were in violation of State law. As defined by the Clery Act, a disciplinary referral is an instance when a student is formally reported in writing to a university officer for possible sanction. The following offense definitions are excerpted from the Uniform Crime Reporting Handbook. The definitions of sex offenses are excerpted from the national incident-based reporting edition of the Uniform Crime Reporting Handbook (FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) definitions.

Murder and Non-Negligent Manslaughter: the willful killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

Sex Offenses: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent (in New York State, the age of consent is seventeen).

Robbery: taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This is usually accompanied by the use of a weapon or by means likely to produce great bodily harm or death, although it is not necessary that injury result when a weapon is used.

Burglary: unlawful entry of a structure to commit a crime including, but not limited to, larceny, arson, sexual assault, criminal mischief, and all attempts to do so.

Motor Vehicle Theft: the taking (or attempt) or use of a motor vehicle by persons not having lawful access.

Arson: willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, personal property of another, etc.

Drug Abuse Violations: violations of state and local laws related to possession, sale, use, growing or manufacturing of narcotic drugs, marijuana, or other controlled substances.

Liquor Law Violations: violations and attempted violations of laws or ordinances prohibiting manufacturing, selling, transporting, furnishing, or possessing intoxicating liquor including, but not limited to: maintaining unlawful drinking places; furnishing liquor to a minor or intoxicated person; and drinking on a common carrier.

Weapon Law Violations: violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Hate Crime: when a person is victimized intentionally because of her/his actual or perceived race, gender, sexual orientation, ethnicity or disability. Any reported hate crimes are included in this report.

Clery Statistics - Calendar Years 2014, 2015, 2016 (Albany campus)

Crime Classification	Year	Campus		Non-Campus	Public Property	Total	Hate Crimes	Unfounded Crimes
		On Campus Student Housing	On Campus Total					
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Rape	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Fondling	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Incest	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Statutory Rape	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Robbery	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Burglary	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Liquor Law Arrests (does not include DWI)	2016	0	0	0	0	0	n/a	0
	2015	0	0	0	0	0	n/a	0
	2014	0	0	0	0	0	n/a	0
Drug Law Arrests	2016	0	1	0	0	1	n/a	0
	2015	0	0	2	0	2	n/a	0
	2014	0	0	0	0	0	n/a	0
Weapons Law Arrests	2016	0	0	0	0	0	n/a	0
	2015	0	0	0	0	0	n/a	0
	2014	0	0	0	0	0	n/a	0
Liquor Law Violations Referred for Disciplinary Action	2016	0	0	0	0	0	n/a	0
	2015	0	0	0	0	0	n/a	0
	2014	0	0	0	0	0	n/a	0
Drug Law Violations Referred for Disciplinary Action	2016	0	0	0	0	0	n/a	0
	2015	0	0	1	0	1	n/a	0
	2014	0	0	0	0	0	n/a	0
Weapons Law Violations Referred for Disciplinary Action	2016	0	0	0	0	0	n/a	0
	2015	0	0	0	0	0	n/a	0
	2014	0	0	0	0	0	n/a	0

Clery Statistics - Calendar Years 2014, 2015, 2016 (Albany campus)

Offense (Crimes Not Reported By Hierarchy)	Year	Campus		Non- Campus	Public Property	Total	Hate Crimes	Unfounded Crimes
		On Campus Student Housing	On Campus Total					
Arson	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Domestic Violence	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Stalking	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Additional hate crimes to be reported, listed by Clery location								
Larceny/theft hate crimes	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Simple Assault hate crimes	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Intimidation hate crimes	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0
Destruction, damage, vandalism of property, making graffiti hate crimes	2016	0	0	0	0	0	0	0
	2015	0	0	0	0	0	0	0
	2014	0	0	0	0	0	0	0

When a hate crime is reported, it will be labeled with the following categories of prejudice: R=race, G=gender, GI=gender identity, REL=religion, SO=sexual orientation, SI=sexual identity, NO=National Origin, E=ethnicity and/or DI=Disability.

Campus Fire Safety

SUNY Polytechnic Institute - Albany campus does not have any on campus housing and as such does not maintain records for the CrestHill Suites. Residence Life staff works closely with CrestHill Suites staff and the Albany Fire Department to ensure the safety of all SUNY Poly students, staff and guests.

Fire Safety Systems

Note: Fire alarm pull stations are provided in every building to provide manual activation of the fire alarm system. All fires need to be reported to the Security at (518) 437-8600 or the County 911 Center.

Responsibilities

The Environmental Health and Safety Office has the following responsibilities under Emergency Responses Plans: 1) reviewing and updating the safety standards; 2) evaluating the standard's effectiveness; 3) providing or coordinating Emergency Response Plan training; 4) reporting fires, emergencies, and related issues to the appropriate agencies; 5) providing information about this standard and specific responsibilities to employees; and 6) responding to or assisting with other campus emergencies.

Supervisors will assist with efforts to provide Emergency Response Plan training to employees.

Students have responsibility for 1) Reporting fires and other emergencies; 2) correcting or reporting unsafe conditions; and 3) observing evacuation procedures and protocol for other campus emergencies.

Emergency Evacuation

Terms and Definitions:

Evacuation Assembly Area (EAA)-an outside location at least 50 feet from the building away from roads and walkways used by emergency vehicles.

Evacuation Site (ES)-a building in close proximity to the evacuated building that will provide protection from the weather or other elements in the case of a prolonged evacuation. The on-site incident commander, usually a University Police Officer, will determine if personnel should move from the Evacuation Assembly Area to the Evacuation Site.

Procedures:

Evacuation is required any time the fire alarm sounds, an evacuation announcement is made, or a university official orders evacuation from a building to the Evacuation Assembly Area (EAA). When an evacuation occurs, departments should put their evacuation plan into effect. After the building has been evacuated, the building cannot be re-entered until University Police give permission. The silencing of alarms is not the sole indicator that it is safe to re-enter.

Faculty members should notify each class at the beginning of the semester of the designated evacuation plan. The department's plan should indicate a meeting place outside of the building, EEA as well as the designated ES. It is imperative that students know to stay together as a class while at the EAA or the ES. Everyone must be accounted for and their names should be written down, or checked off an attendance roster. You cannot release students from the EAA or ES until University Police give permission to do so.

General Evacuation Procedures for Academic and Administrative Buildings

Quickly shut down any hazardous operations or processes and render them safe.

- Notify others in the area of the alarm if they did not hear it
- Exit the room
- Take jackets or other clothing needed for protection from the weather.
- If possible, close windows and doors as you leave, but do not lock the doors.
- If you are away from the class/lab room when the alarm sounds, exit the building immediately and do not return to the room. You should meet the class at the EEA.
- Exit the building, walk to the nearest safe exit route (do not run).
- Do not use elevators.
- Move away from the building, report to the class/lab designated EAA and meet with other persons from the class or lab. Wait at EAA for directions.
- Account for faculty, staff and students and write down their names while at the EEA. Report any missing or trapped people to the emergency responders. Keep existing groups together.
- Review with everyone the location of the Evacuation Site, should this have been an instance where you would have been required to go there.

- Do not re-enter the building until University Police gives the “all clear” signal.

Visitors have responsibility for observing evacuation procedures and protocol for other campus emergencies.

Employees have responsibility for 1) reporting fires and other emergencies; 2) correcting or reporting unsafe conditions; and 3) observing evacuation procedures and protocol for other campus emergencies.

Fire Safety Education and Training

All faculty, staff, and students are expected to familiarize themselves with the evacuation plan for the buildings in which they occupy including the identified assembly places. Evacuation routes are posted in the hallways on every floor. Students are instructed at the opening of the academic year on evacuation procedures. Programs are also presented in CrestHill Suites on various safety issues including fire safety. Students are reminded about fire evacuation procedures during all hall meetings, floor meetings, or after problems occur during fire drills and accidental activations of the alarm. Additionally, all first-year students are required to attend a fire safety presentation and receive a fire safety brochure.

Employees, as well as students are advised to report any fire safety concerns relating to fire safety equipment such as fire extinguishers, exit signs, detectors, doors, pull stations, and emergency lights within their building to CNSE Security (or to CrestHill Suites management for students residing at CrestHill Suites). Work requests are subsequently submitted to address items that require corrective action or if immediate attention is needed Facilities and/or University Police are to be notified. Additionally, student rooms are thoroughly inspected during each semester. Incidentals such as misuse of extension cords, candles, and unapproved appliances are scrutinized. Any “illegal” item found during an inspection may be confiscated and, in some instances, students may be referred to the office of Judicial Affairs.

Employees will receive Emergency Response Plan training when they are initially assigned to a position and annually thereafter. Employees will also receive training when certain responsibilities and aspects of this plan change. This training will include: protocol for reporting fires; procedures for evacuating a building; use of fire extinguishers; and how to respond to other emergencies. Students will receive this training during the beginning of the fall semester or orientation sessions.

Copies of the Emergency Response Plan and the SUNY Fire Safety Report are available through SUNY Poly’s Environmental Health and Safety Office.

Employees and students should familiarize themselves with the emergency evacuation procedures posted in their buildings. Special attention should be given to the evacuation procedures for persons with disabilities.

Campus and Community Resources

Available for the Victims of Campus Crime

University Police Department

Gary Bean, Chief of Police, 315-792-7222

(criminal investigations, personal security information)

Dial 911 – Emergency from an on-campus telephone or use any emergency call box with a blue light

Dial 518-437-8600 – Emergency from an off-campus telephone

Division of Student Affairs

Marybeth Lyons, Vice President for Student Affairs, 315-792-7505

Jennifer Adams, Assistant Vice President for Student Affairs, 315-792-7810

Diana Dumesnil, Assistant Vice President for Student Affairs, 518-956-7337

Megan Lennon, Director of Community Standards and Leadership, 315-792-7530

Josephine Ruffrage, Director of Health Services, 315-792-7172 (medical assistance)

Terri Sherman, Adult Nurse Practitioner, 315-792-7172 (medical assistance)

Sandra Mizerak, Counselor, 315-792-7172 (counseling) (confidential contact)

Laurie Fazekas, Counselor, 315-792-7172 (counseling) (confidential contact)

Title IX Coordinator

SUNY Poly official who is responsible for coordinating Title IX compliance, which prohibits sex discrimination including sexual harassment and sexual violence.

Katie Tynan, Title IX Coordinator

315-792-7235, Student Center, S228 (Utica), tynank@sunypoly.edu

518-956-7317, Nano Fab East, Suite 4250(Albany), ktynan@sunypoly.edu

Stacey Genther, Health Educator/Deputy Title IX Coordinator for Sexual and Interpersonal Violence Prevention & Education
315-792-7172, Campus Center, Suite 217 (Utica), stacey.genther@sunypoly.edu

Kevin Grimmer, Athletic Director (Title IX gender equity in athletics)

315-792-7520, Wildcat Field House, Room F220 (Utica), kevin.grimmer@sunypoly.edu

Community Resources

- New York State Police – 518-783-6811 or 911
- Albany County Sheriff's Office – 518-487-5400 or 911
- Albany City Police Dept. 518-438-4000 or
- Albany County Crime Victim & Sexual Violence Center – 518-447-7716
- Albany Medical Center Emergency 518-262-3131
- St Peter's Hospital Emergency 518-525-1315
- Albany Memorial Hospital- 518-471-3221

Related Web Sites

History of the Campus Security Act: <https://clerycenter.org/>

Campus judicial procedures including student behavior expectations, violation definitions, victims' rights, violators rights, hearing procedures, potential sanctions: Code of Student Conduct and Related Policies: https://www.sunypoly.edu/pdf/student_handbook.pdf

Crime alert information, crime statistics & prevention, patrol information, emergency blue light phone system, anonymous witness program: <https://sunypoly.edu/university-police.html>

Campus crime statistics – US Department of Education: <https://ope.ed.gov/security/>

Paper copies of this document are available at the University Police Department, Admissions Office, and Human Resources Office.



SUNY Polytechnic Residential Life & Housing

Central Office: Campus Center, Room 229, 315-792-7810

Adirondack Residence Hall: 315-792-7422

Mohawk Residence Hall: 315-792-7811

Oriskany Residence Hall 315-351-3170

Albany Site: NFS, Suite 309 - Office 313 (518) 956-7114

The mission of the Residential Experience of SUNY Polytechnic is to promote a residential experience that advances each resident's personal growth and development and inspires lifelong community engagement. The staff members in the Office of Residential Life and Housing are guided by principles that support a safe, healthy and well-maintained living and learning environment.

The residential program is fully staffed with a professional team, nationally recruited and selected through a search process. These professionals have a combination of professional degrees and experience with higher education student life. Our student residential life staff members are selected through a rigorous process and are attentive in supporting residents. The residential life and housing staff members work with the residents to develop programs, activities, and services that enhance the high quality of campus life at SUNY Polytechnic Institute.

2017-2018 Residential Policies and Procedures

Resident students and their guests are considered adults who are responsible for conducting themselves in accordance with state and local laws as well as with the institution's alcohol and drug policy. Students residing in CrestHill Suites should note that the facility is under the jurisdiction of the City of Albany Police Department, and any local, state and federal law violations will be addressed by Albany PD. Resident students and their guests are required to abide by the following policies:

Alcohol Policy

Resident students who are 21 years of age or older may possess limited quantities of alcoholic beverages. They may serve alcohol to resident and non-resident guests provided the guests are at least 21 years of age. Resident student hosts will be responsible for ensuring that intoxicated guests are not served alcohol and for compliance with residence hall alcohol and guest policies. The sale of alcohol to any person is strictly prohibited.

In accordance with the established regulations, possession and consumption of alcoholic beverages is permitted by students over the age of 21 in the private living areas of the residence suites in Mohawk and Adirondack complexes and at CrestHill Suites. In Oriskany residence hall, residents 21 years of age and over may possess/consume alcoholic beverages only in their own residence hall bedrooms. Residents 21 years of age and over may possess/consume beverages in private rooms, but only if those rooms or suites have at least one assigned occupant who is 21 years of age and over. In all residential complexes, alcoholic beverages are prohibited in main

lounges, recreation rooms, floor lounges, hall corridors, laundry rooms, and any other area that is not a private student room or Mohawk, Adirondack or CrestHill suite.

Compliance with all requests of University Officials, including Residence Life staff and University Police, for proof of legal drinking age is required. If there is reasonable suspicion to believe that alcohol may be in bottles, cups or other containers, University staff reserve the right to approach students and request to inspect the drink, as well as hold students accountable for violations under the provisions of this policy.

Bulk Dispensers: The possession or use of kegs, beer balls, beer taps, alcoholic punches, or any form of alcoholic bulk dispensers is prohibited in the residence halls. The possession or use of grain alcohol and drinking funnels is prohibited. Responding police officers will confiscate these items for disposal.

Displays: Residents may not collect/display empty beverage containers of any kind (including cans, bottles, boxes and bottle caps) in their room. (See also Trash Removal.)

Games with Alcohol: Alcohol games such as, but not limited to, beer pong, quarters and other games that promote excessive drinking of alcohol are prohibited from being played. Any type of pong is prohibited.

Guest Alcohol Policy: Non-resident guests of SUNY Polytechnic residential students are not permitted to bring alcohol to the SUNY Polytechnic campus at Utica or Albany sites, regardless of the age of the guest.

Outdoor Locations: Alcohol is permitted to be consumed by assigned residents of the complex who are over the age of 21 only in the outdoor, enclosed quad areas of the Adirondack and Mohawk complexes. The Assistant Vice President for Student Affairs and/or Chief of University Police retain the right to disallow this privilege at any time if adherence to institutional policy or laws, noise disturbances or trash is deemed problematic. Advertised and group events that include alcohol are not permitted anywhere in the residential areas, including in the quads. Alcohol is not permitted anywhere on the outside grounds at Oriskany residence hall or at CrestHill Suites. Glass containers of any kind are not permitted outside at any residential complex.

Quantity Limits: Each resident student of legal drinking age is limited to the possession of the following amounts of four kinds of alcoholic beverages:

- no more than one 12-pack of beer (16 ounce maximum) per resident living within that suite; or
- no more than one 12-pack of wine coolers (16 ounce maximum) per resident living within that suite; or
- no more than one liter of distilled alcohol per resident living within that suite; or
- no more than one liter of wine per resident living within that suite.

Violations (State Laws Enforced): Course of action is determined by the nature of the violation. Refer to Student Code of Personal Conduct, Article VI, F, for sanctions.

- *Under 21 Years of Age: Possession and/or consumption of alcoholic beverages by persons under the age of 21 is strictly prohibited on the SUNY Polytechnic campus and is a violation of Section 65c New York state law.*
- *All persons are prohibited from selling, serving or purchasing alcohol for those under the age of 21. This is a violation of Section 260.20, New York state penal laws.*

Appliances

Permissible appliances vary by residence. A list of appliances that are permitted, as well as those that are prohibited, are available at <https://sunypoly.edu/student-life/housing-dining/residential-life-housing.html>. Each residence hall with corresponding policies is listed on the left of the page.

Bicycles/Motor Vehicles/Snowmobiles

The storage of bicycles and motor vehicles in student rooms or suites is prohibited. Motor vehicles, including motorcycles and snowmobiles, may not be driven on sidewalks. Snowmobiles are permitted on the Utica site and may be parked in parking lots and driven directly to designated snowmobile trails only. Snowmobiles in Utica must be registered with University Police. Snowmobiles are not permitted at the CrestHill site.

Due to lack of availability of indoor or outdoor bike storage, students residing at CrestHill Suites are discouraged from bringing bicycles. CrestHill Suites prohibits the use of skateboards, longboards and similar recreational equipment on the property, including in the parking lots.

Care of the Facilities

The furnishings and equipment have been provided for the enjoyment, convenience, and safety of all residents. Residents are responsible for the care and cleanliness of their suite or room and for abiding by institutional policies in maintaining these facilities. Personal furniture is not permitted. Residents are responsible for their guests or visitors and may be held responsible for their actions. Theft or vandalism is prohibited.

CARE Team

CARE is a SUNY Polytechnic Resource Team that addresses challenging, disruptive, or harmful behavior and situations by providing helpful interventions that are aimed at community safety and student success. CARE exists to connect students who are struggling to find campus services, which may include mental health care and/or safety intervention.

The team prioritizes privacy and discretion and maintains communication only with appropriate offices and individuals. Examples of concerns that the CARE team often supports and assists in resolving include but are not limited to:

- Depression
- Eating disorder
- Cutting

- Serious injury or illness
- Death of a student
- A missing student
- Immediate danger/harm
- Sexual assault
- Worrisome or unusual behavior
- Disruption in classroom or residence hall
- Threats, stalking, intimidation
- Hate crimes

There are often many outward signs that a student is in distress. Reporting unusual or odd behavior that causes you concern may just be one more piece of a larger puzzle that the CARE team needs.

Report a concern about anyone on campus if:

- You observed something in someone that has you worried.
- You have seen a classmate or hall mate begin to act differently or strangely.
- You are uncertain about a concern and you just want someone at SUNY Poly to know about it.

There are a number of ways to report to the CARE Team:

- 1) Contact the CARE Team Chair/Assistant Vice President of Student Affairs at 315-792-7810.
- 3) Contact a counselor at the Wellness Center at 315-792-7172 (Note: this method of report will be a confidential contact and will not be forwarded to the CARE Team without your permission).

The CARE Team does NOT handle emergencies or imminent threats. If there is present danger or an immediate crisis please contact University Police IMMEDIATELY at 315-792-7111.

Commercial Activity

No commercial activity may be conducted in or from any residential facility unless approval has been provided under the guidelines of the campus Sales and Solicitation Policy.

Computer Network Access

The SUNY Polytechnic data network is a state-of-the-art high speed infrastructure that supports a broad range of academic, administrative and student computing requirements. SUNY Polytechnic maintains several documents that directly address a constituent’s use of our computer services and corresponding data network. Included are the “Computer and Network Resources Statement of Responsibility,” “Computer Software Policy,” “Computer Use Policy,” “Dormitory Connection Policy,” “Instructional Computing Guide,” and “Web Policy.” They are available online at <https://sunypoly.edu/its.html>. Students should also be aware that the policies outlined in the Student Handbook and Residence Hall License are additionally enforced. Students should pay particular attention to the “Academic Integrity Policy” and the “Student Code of Personal Conduct” policies and procedures.

Condition of Suites and Rooms

Room and suite inventory forms must be completed on the day of move in. Residents who choose not to complete inventory forms on the day of move in will not be permitted to appeal damage charges as it will be assumed that the suite/room was in perfect condition.

Common area damage is considered damage that occurs in areas where more than one student has access. Access is defined as having keys to, or card access to, a specific area of the residence halls (e.g., bathroom, living room, hallway, lounges, laundry rooms). Common area damage can include the vestibule and stairway of each building. Common area damage will be assessed to all students who have access to the damaged area only after efforts are made to determine the responsible party. (Students are responsible for themselves and their guests.)

Students may not act to repair any damage to SUNY Polytechnic property by attempting to make a repair themselves, allowing a friend or family member to make the repair or by contracting a third party to make the repair.

Please note that damages at CrestHill Suites are inventoried by the CrestHill staff and may not be subject to appeal. CrestHill suites are equipped with permanently affixed artwork and decorative items that may not be removed and may not be covered with paper or other flammable materials.

Consolidations

Any student who resides alone in a double or triple room will be required to consolidate into a double or triple room with at least one additional roommate, if the single occupancy of a double or triple occurs with the first four weeks of the fall or spring semester.

Decorations

Fire regulations prohibit the blocking of free entry to and from the suite and bedrooms. Do not place decorations on the ceilings. Materials on the ceilings may also impede the activation of smoke and heat detection equipment. Wall and ceiling decorations will increase the speed of fire spread. All wall decorations must be non-combustible material. Natural boughs and trees for holiday decorating are also prohibited. Students are required to adhere to safe practices when displaying electrically illuminated lights or decorations. (See “Displays” for additional information.)

Dining

All resident students are required to participate in one of the full dining plans offered by campus provided dining services. Dining in Utica is provided by Sodexo Dining Services and in Albany by Chartwell’s Dining Services. The Dining License is in effect for the entire academic year when classes are in session. The College Association/Auxiliary Services administers the meal plans on behalf of SUNY Polytechnic. Changes to the selected dining plan are accepted until 4:00 p.m. the first Friday of classes each semester. After this date, mid-semester dining plan changes are not accepted. Meal plan changes are administered by the College Association.

Disability/Medical Request for Accommodations

SUNY Polytechnic is committed to upholding and maintaining all aspects of the federal Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of

1973. If you are a student with a disability and wish to request accommodations, please contact the Disability Services Office in Kunsela Hall, 315-792-7170. Any information regarding your disability will remain confidential. Each student housing and dining application also provides the opportunity to request Housing and Dining Accommodations.

Displays

Resident students are permitted to display any posters or other items in their suites that do not violate fire codes or SUNY Polytechnic policies on harassment and discrimination. CrestHill Suite residents are subject to posting policies of the hotel, particularly any posting viewable from the exterior of the facility. Displays in the exterior windows or doors are subject to regulation. Fire and safety regulations also prohibit displaying any items in the windows which would interfere with an emergency exit or rescue. Students with questions about this policy may contact the director of residential life and housing.

Disruptive Behavior/Endangerment

Disruptive behavior, including physical abuse, assault, harassment, threats, excessive noise (which may include loud playing stereos or musical equipment), and unruly behavior is prohibited. Behaviors which compromise the peace, safety, and/or health of other residents or compromise the educational mission of SUNY Polytechnic are prohibited. (See also Student Code of Personal Conduct.)

Residential students who act to create or contribute to unsafe or hostile environments may be required by the Assistant Vice President for Student Affairs to participate in “CASE: Consultation and Support Evaluation,” a joint program between The Office of Residential Life and Counseling Services. Participation in CASE can be required in addition to a conduct referral, or may be helpful in providing support to prevent a conduct referral in some instances. Failure or refusal to participate in the CASE Program will result in a conduct referral.

Drugs

The possession or use, without a physician’s prescription, of any drug defined as a controlled substance by federal, state, or local laws is strictly prohibited on the SUNY Polytechnic premises. Controlled substances are defined in broadest terms to cover narcotics, depressants, stimulants, and hallucinogens. Drugs or drug-related paraphernalia may be confiscated and used as evidence. (See also Student Code of Personal Conduct.)

Facilities and Services

Facilities and services provided by SUNY Polytechnic and CrestHill Suites in Albany include:

Bedroom furniture: bed, desk chair, window blinds, mattress, dresser, mirror, desk, closet, lamp/light, telephone service (CrestHill, Mohawk and Adirondack only), wireless LAN connection, wall-to-wall carpeting.

Living room furniture in suites and commons spaces: coffee table, couch, chair, window blinds, lamp/light, wall-to-wall carpeting (except in hallways of Mohawk and Adirondack suites).

Safety and security: 24/7 staffing, smoke and heat detectors, sprinklers, closed circuit security cameras covering quad and parking areas at the Utica site, locks on all doors, proximity card access to buildings. Proximity card access to the third floor of CrestHill Suites.

Other conveniences: residential parking (permit must be purchased and car must be registered in Utica, vehicle must be registered with CrestHill in Albany), cable TV, incoming mail and package service, utilities and laundry.

Fire Safety

Residents are required to abide by all fire regulations. SUNY Polytechnic is required by state law to conduct a minimum of three fire drills in the residence halls per academic year. CrestHill Suites staff will conduct a minimum of one drill per semester. When a fire alarm rings all residents must immediately vacate the building. Failing to do so during an alarm will result in disciplinary action. Residential life and housing or college staff may enter resident student suites and rooms to verify compliance. Tampering with fire equipment and/or non-compliance with fire regulations may result in disciplinary and/or civil action. The use of candles, potpourri burners, and incense is prohibited. Gas or propane grills, internal combustion engines, or tires may not be operated or stored in the residence halls or suites.

Each semester fire safety inspections are completed by residential life and housing staff in conjunction with the environmental health and safety officer. The State Fire Marshall conducts these inspections in both Utica and Albany. Students are given at least 24 hours' notice prior to inspections.

As outlined in the Student Code of Personal Conduct, actions that cause or attempt to cause a fire explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment, inappropriate/ or unauthorized activation of the fire alarm system or failure to evacuate SUNY poly buildings during a fire alarm are violations of the policy. Residential students who cause a false alarm via any of these actions, SUNY Polytechnic Institute 2017-2018 Student Handbook [29] including possessing or utilizing an item prohibited in these Residential Policies and Procedures may face conduct charges as well as residential restrictions and/or loss of privileges as imposed by the Assistant Vice President for Student Affairs as Chief Housing Officer and/or designee.

All policies and procedure as outlined in the Student Handbook and published by Residential Life, including Fire Safety regulations and restrictions as outlined in the Residential Policies and Procedures, apply to CrestHill residents residing on the SUNY Poly floor, even if those policies and restrictions do not apply to hotel guests on other floors of the hotel.

Guest Policy

All residential facilities have guest and visitation policies and required registration. This policy is intended to protect the rights of all residents in a suite and to support the academic mission of the residence halls.

SUNY Polytechnic Institute resident students are permitted to have guests and visitors under the following guidelines:

Guests

- a. A “guest” is defined as a currently enrolled SUNY Polytechnic student who is not a resident student of the building he/she is visiting.
- b. SUNY Polytechnic student guests are required to be registered with Residential Life if visiting a residence between the hours of midnight and 9:00am via the Online Residential Guest or Visitor Registration Form.
- c. SUNY Polytechnic student guests who are not a resident of the must be escorted at all times by a resident of the building they are visiting, regardless of the time of the visit.

Visitors

- a. A “visitor” is defined as an individual who is not a SUNY Polytechnic Institute student who is visiting a current student of SUNY Polytechnic Institute. Formerly enrolled students of SUNY Polytechnic Institute, alumni of SUNY Polytechnic Institute, family members and friends, including students of other colleges and universities are considered non-student “visitors.”
- b. At all times, all visitors must be registered with the Residential Life Office *prior to entering a residential complex*, through the Online Residential Guest or Visitor Registration Form. The hosting student must have permission from their roommate(s) in order for an overnight guest and/or visitor to stay in the room.
- c. Visitors with vehicles must obtain parking permits from University Police before parking anywhere on campus, including at the residences. Registered visitors and overnight guests are required to park in designated parking located in E, F, and J lots.

Guest and Visitor Policies and Expectations

- a. The consent of roommates must be obtained before guests or visitors are invited to visit any residence.
- b. Resident students may not host overnight guests or visitors for more than three consecutive nights or more than six nights in any one calendar month, in total.
- c. A resident student may host no more than two guests and/visitors at one time.
- d. Persons who have been suspended or dismissed from SUNY Polytechnic Institute or the residence halls via sanctions issued through the Student Conduct System or who are persona non grata via University Police are not permitted in Oriskany, Adirondack or Mohawk residential facilities at any time without prior permission from the chief housing officer.
- e. Resident student hosts are responsible for the conduct of their guests and visitors and are advised to make their guests familiar with college policies and must escort guests and visitors AT ALL TIMES. Residents will also be held financially accountable for any damage caused by their guests and visitors. Residents will be charged via the Student Code of Personal Conduct for failure to escort guests and visitors. A resident may be charged with violations of the guest policy if
 1. The resident student provided access to guest or visitor and failed to escort him/her inside the complex
 2. It is determined that a host failed to escort a guest or visitor inside the complex
 3. It is determined that a resident student knowingly failed to report an unescorted guest or visitor

- f. Guests and visitors under 18 years of age must be accompanied by a legal guardian at all times while in the residence hall. (Does not apply to enrolled residential students who are under the age of 18.) Siblings may receive special permission to be guests of resident students with prior permission from the chief housing officer and advance notice to roommates, suitemates and or/the floor community.
- g. Prospective student visits and overnight visits must be officially scheduled with Admission or the Athletic Department. Required paperwork, including signature of the parent or legal guardian of the perspective student, must be filed with the Office of Residential Life and Housing 24 hours in advance. The student host is responsible for confirming that all roommates and/or suitemates approve of use of the room and/or suite as a host site for prospective students and for notifying roommates and/or suitemates of a prospective student overnight visit in advance. No other guests or visitors are permitted overnight when students are hosting a prospective student in the room (ORK)/suite (ADK/MOH.)
- h. Babysitting/childcare of a minor under the age of 18 for any length of time is not permitted in the residence halls.
- i. For social gatherings, maximum Mohawk and Adirondack suite occupancy has been established at 20 persons, including the assigned suite residents.
- j. Students are responsible for the actions of their guests and visitors and must accompany them at all times, for the duration of the visit. Students are responsible for informing their visitors of SUNY Polytechnic Institute rules and regulations.
- k. No student or their overnight guest or visitor may sleep overnight in public areas, including lounges.
- l. With the exception of family move in assistance, guests and visitors are not permitted prior to the first day of classes. Guests and visitors are not permitted during break periods, for those students who are approved to remain in residence. Guests and visitors are not permitted in the residences during the final examination period at the end of each semester.
- m. The use of residence hall laundry facilities are for resident students only. Theft of laundry services will be taken seriously. Non-residents who use laundry facilities, as well as the resident who provided access to the laundry room, will be charged with theft of services and other charges as appropriate via University Police and the Student Code of Personal Conduct.
- n. The Residential Guest and Visitor Registration Form is available with your Residence Life staff member in your complex. Student guests must be registered between midnight and 9am, visitors must be registered at all times.

This policy is intended to protect the rights of all residents in a suite and to support the academic mission of the residence halls. Therefore, residents and their guests/visitors must follow these policies:

- The consent of roommates must be obtained before guests are invited to visit.
- Resident students may not host overnight guests or visitors for more than three consecutive nights or more than six nights in any one calendar month. This total applies to all overnight guests or visitors the student hosts and is not a per guest total. A resident student may host no more than two overnight guests at one time.

- Persons who have been suspended or dismissed from SUNY Poly or the residence halls are not permitted in Oriskany, Adirondack, Mohawk or CrestHill residential facilities at any time without prior permission from the chief housing officer.
- Resident student hosts are responsible for the conduct of their visitors/guests and are advised to make their visitors/guests familiar with college policies. Residents will also be held financially accountable for any damage caused by their visitors or guests.
- *Persons under 16 years of age must be accompanied* by a legal guardian at all times while in the residence hall or at CrestHill. Underage siblings are not permitted to stay overnight or be in residence halls without a parent or legal guardian at any time.
- Babysitting/childcare for any length of time is not permitted in the residence halls or at CrestHill.
- The use of residential and CrestHill laundry facilities are for resident students only. Theft of laundry services will be taken seriously. Non-residents who use laundry facilities, as well as the resident who provided access to the laundry room, will be charged with theft of services and other charges as appropriate via University Police and the Student Code of Personal Conduct.
- Visitors and overnight guests at the Utica site are required to park in designated parking located in E, F, and J lots. Visitor and Guest parking is not available at CrestHill.
- For social gatherings, maximum Mohawk and Adirondack suite occupancy has been established at 20 persons, including the suite residents. Residents of CrestHill must comply with hotel maximum occupancy standards for rooms and suites.

Housing License and Agreement

All students living on campus are required to sign a SUNY Polytechnic Housing License for a space, not a specific room. The housing license is for the entire academic year and cannot be canceled during this period as long as the student is registered full time for classes. Consult the license for further information regarding release and exemptions. Freshmen and sophomores are required to live on campus unless commuter approval or special off-campus exemption is requested and approved prior to the start of the academic year.

Keys/ID Cards

Keys/ID cards (proximity cards used to access residences) are provided for residents as a matter of convenience and security. The unauthorized use or reproduction of a key/ID card for any college room or facility is prohibited. Lost keys/ID cards must be reported to the residential life and housing staff or University Police immediately so that building, meal, and Wildcat Point services are immediately revoked from the card. Residents at CrestHill Suites must report lost hotel suite cards to front desk immediately. The loss of a residence room key at the Utica site will result in the re-keying of your room and all other rooms in the suite and all affected mailboxes. The resident is responsible for associated charges of \$150.00 per key. (See also, Security Policy)

Kitchens

Mohawk and Adirondack complexes provide minimal kitchenettes with stoves in the common area lounges. Oriskany Hall offers a full kitchen with full appliances. Residents of Oriskany have a kitchenette available on their designated floors. Residents at CrestHill Suites have a full kitchen in their suites. Kitchenettes are designed for students to supplement and enhance their

meal plans, not to replace them. Students are expected to take exceptional care in using these kitchens in a safe manner. Students who misuse the kitchens or fail to clean up after themselves will be subject to losing the privilege of using the kitchens and/or other disciplinary actions.

When determining interest in remaining in housing over breaks (when eligible to request break housing) or when requesting summer housing, students at the Utica site should consider that minimal cooking accommodations are available. Sodexo has limited or no hours of operation during breaks.

Laundry

Laundry facilities are available in each residential complex and at CrestHill Suites. Laundry facilities do not require coins or cards, as the service is included in the residential room rate. Laundry facilities are accessible 24 hours a day and are for resident students only. Residents who provide access to and use of laundry services to non-residents will be charged with theft of services.

Linen Service (CrestHill Suites only)

CrestHill Suites will provide linen service to all resident students as part of the housing services. CrestHill staff will enter student rooms daily to remove and refresh bathroom towels and washcloths. (See also, Trash Removal). Bed linens will be cleaned and replaced by CrestHill staff weekly. Bathrooms will be cleaned weekly. All residents are expected to comply and cooperate with CrestHill staff efforts to refresh linens and clean bathrooms by keeping suites and bedrooms; accessible, picked-up, cleanly and with countertops free of excessive personal toiletries and supplies. When CrestHill staff enter the suite to complete tasks related to linen service, trash removal and cleaning, residents are expected to be responsive, courteous and properly dressed.

Lofting and Bunking of Beds

Beds in double and triple rooms may be bunked or lofted by submission of a Work Order via the Residential Life Work Order System. Beds may be lofted or bunked only by Facilities staff. Not all SUNY Poly beds are able to be lofted or bunked. Only bunked beds with rails and lofts with rails and a safety support rail are eligible.

Noxious or Offensive Odors

A noxious or offensive odor is any aroma of such intensity that it becomes disruptive to others. Nearly any aroma can become noxious or offensive when it is overwhelmingly strong. Some examples might include incense, cigarette, cigar, or pipe smoke (*Note: smoking is prohibited in all buildings*); perfume, air freshening spray, or large amounts of dirty laundry or garbage. Residents are urged to use courtesy and good judgment about this potentially annoying concern. Residential life and housing staff members may ask residents to take corrective action if complaints about odors are received.

Occupancy (Maximum Occupancy per Fire Code)

In accordance with the residence hall guest policy and applicable fire/safety regulations, SUNY Polytechnic has determined the maximum occupancy for Utica residence halls:

Each residence hall suite including Mohawk, Adirondack, and Oriskany to be 20 persons (including those who are the resident students and including bedrooms). Suite residents are responsible for ensuring that this maximum occupancy is not exceeded. No resident is eligible to host more than 2 guests at any one time. (See **Guest and Visitor Policies and Expectations**)

- Each single bedroom to be five persons.
- Each double/triple bedroom to be nine persons.

CrestHill Suite residents must comply with hotel maximum suite and room occupancies posted and published by CrestHill and no resident is eligible to host more than 2 guests at any one time. (See **Guest and Visitor Policies and Expectations**)

Personal Property/Personal Belongings

SUNY Polytechnic does not accept liability for residents' personal property. The institution shall not be liable to residents or guests for damage to personal property caused by water, theft, rain, fire, steam, sewer, pipes, plumbing, refrigerators, laundry machines or dryers. Students at both Utica and Albany sites are advised to seek insurance for personal belongings. Liability for risk, injury and/or damage to personal property are expressly assumed by the student.

Personal items not removed from the room after a student has checked out or withdrawn from SUNY Polytechnic are considered discarded items. Reasonable attempts will be made for up to two weeks following the departure of a student or a student's failure to return to contact the resident advisor to retrieve the items. Items not picked up after two weeks will not be stored.

Pest Control

Residents experiencing infestation problems with any pest should immediately report the problem to the Assistant Vice President for Student Affairs. All students must comply with the requirements of the pest control program as they are communicated to them in response. Residents may not refuse to follow a pest treatment program and must properly prepare for any University official or pest control officer acting to inspect or manage a pest report. Residents may not remove any pest control device placed by the institution or by a company contracted by the institution.

Pets

Except for non-carnivorous fresh water aquarium fish, pets are not permitted to visit or be kept in the residence halls. Fish must be kept in aquarium tanks of less than 10 gallons. Specially trained companion dogs for disabled persons and therapy animals are not classified as "pets" under this policy. Please consult the Assistant Vice President for Student Affairs and the Disability Services director for questions regarding pets in residence under Americans with Disabilities Act (ADA).

Prohibited Items

Students are prohibited from possessing the following items in residence halls: space heaters, incense, firearms or other weapons, immersion heaters, open fires, cooking appliances, air

conditioners, hot plates, explosives, dartboards, extra furniture (unless specifically approved), ceiling fans, and halogen torchiere lamps.

Extension cords are prohibited; however, UL approved, electrical, polarized, grounded power strips with fuses (or circuit breakers) are acceptable. Daisy chaining power strips are prohibited. The maximum amperage of such devices may not exceed 15 amps.

Quiet Hours/Courtesy Hours

Residence halls provide environments conducive to study and sleep, as well as social interaction. At all times each resident is expected to be courteous of others by monitoring noise levels so others are not disturbed and by responding to requests to be quieter.

The residential life and housing office has outlined specific quiet hours which are designed to support an environment to study and sleep.

Quiet Hours:

Sunday through Thursday, 11 p.m. to 8 a.m.

Friday and Saturday, Midnight to 8 a.m.

Courtesy hours exist at all other times and are a minimum condition to allow residents the right to study and sleep.

During finals weeks, 24-hour Quiet Hours are in effect. Each resident is expected to initially confront any noise problem that is of concern to him/her and to call upon the staff if assistance is needed.

Recreation and Weightlifting Equipment

Students are prohibited from playing sports or rough-housing in the halls as this is not conducive to the indoor learning environment and may cause damage inside the building. Prohibited recreation indoors includes, but are not limited to, tossing, bouncing, or kicking a ball or frisbee, roller blading, biking, using a scooter, using nerf guns, water guns or water balloons.

Residents are prohibited from engaging in outdoor recreation activities in the vicinity of the residence hall area if the activity presents a danger to personal safety or property or a disruption to the academic living environment. Residents are urged to be respectful of others and to use good judgment when participating in outdoor recreational activities near the residence halls.

The use or storage of athletic free weights and weight benches in suites at CrestHill, in the residence halls or in the residence hall area is prohibited.

Repairs

Residents are responsible for immediately reporting needed repairs for their suite or room and all fixtures, furniture, fire and safety equipment, and effects therein to residential life and housing staff. CrestHill residents must report the need for repairs to the front desk staff at CrestHill and are encouraged to also report the repair to SUNY Poly Residential Life staff for follow up, as well. Prompt notification is required to prevent serious problems from developing. Students are

prohibited from doing their own repairs in SUNY Polytechnic-owned housing or at CrestHill Suites. Spackling, painting, and any other repairs are prohibited.

Right of Inspection/Health and Safety Inspections

SUNY Polytechnic reserves authorized employees' the right to enter residence hall suites at any time to ensure the safety and well-being of members of the college community and the good condition of SUNY Polytechnic property, and for the following purposes: housekeeping, maintenance, damage inspection, occupancy and vacancy determination, emergencies, investigation of suspected violations of the Student Code of Conduct and/or the Housing and Dining License and for announced health and safety inspections.

At the close of the residence halls and during breaks, the residential life and housing and facilities staff will enter rooms to check for plugged-in appliances, trash, open windows, lights, unlocked doors, etc.

Each semester the residential life and housing staff will conduct health and safety inspections at all residences. Rooms are inspected for illegal or inappropriately used electrical appliances and/or health and safety hazards, including assessing cleanliness. Any violation will result in disciplinary action against the resident and possible confiscation. Inspection periods will be announced a minimum of 48 hours in advance. It is preferred that students be present during inspections. If residents are unable to be present following attempts to reschedule a convenient time for all, staff will enter rooms in pairs. When conducting health and safety inspections, and before entering a resident's premises, residential life and housing staff will knock and announce themselves. Items in plain view that are specifically prohibited or pose an immediate danger to the room, safety or life will be removed.

Students will be given written notice of the outcome of the inspection, and given 24 to 48 hours to address violations, including cleanliness concerns.

Sales and Solicitation

Solicitation and/or sales by residents or outside agents are not permitted in the residence halls or on the third floor at CrestHill Suites. On the Utica site, the posting of any advertisement or non-college related material must be authorized by the Office of Campus Life in accordance with the Campus Posting Policy. Campus Life approved postings can then be submitted to the Office of Residential Life and the Resident Advisor staff will post signs in approved locations. For more information, please refer to the Campus Posting Policy.

Postings at the CrestHill site are submitted to and approved by the Residence Director.

Postings will only be hung in the residence halls or on the SUNY Poly floor at CrestHill Suites if they are submitted a minimum of one week in advance of an event or activity.

Screens and Windows

The removal, loss, or damage of a window or screen from student rooms or suites is prohibited and may result in installation/replacement charges and disciplinary action. The throwing of

objects from windows and the placing of any objects outside the window, including aerials, banners, flyers, and other equipment, is prohibited.

Security

SUNY Polytechnic and CrestHill Suites have provided each residence with various security systems which are designed to enhance the safety of the residents. However, security and safety is a shared responsibility between SUNY Polytechnic and students residing in the residential facilities. Therefore, residents are required to comply with policies in order to maintain the security of the buildings.

Residents are required to keep their room/suite and exterior building doors locked at all times when they are not present. Residents are strongly advised to insure all of their personal property against loss, damage, and/or theft by appropriate individual or family insurance coverage.

Residents and their guests will be subject to conduct referral if they attempt to bypass the residential security systems in any of the following manners;

- A. Entering or leaving a residence hall via a window or unauthorized door.
- B. Entering a secured area behind someone (also known as “tailgating”) in order to obtain access to an area not authorized
- C. Allowing any person without access, and who is not a guest for whom the student is responsible, to enter an area.
- D. Using another student’s key or ID card.
- E. Allowing another student to use a key or ID card, including to utilize laundry facilities.

Snow Removal

In order to keep parking lots open to traffic, emergency snow removal procedures are enacted in the Utica site residence hall parking lots during the winter months. Residents may be required to move vehicles from the parking lots in the residence hall area during the snow removal process. Vehicles that are not moved may be ticketed and/or towed away for impoundment. (Note: The student is responsible for applicable charges.) Residents will be notified by advance posting for snow removal.

Students approved for parking at CrestHill Suites must comply with hotel policies, procedures and requests for compliance with snow removal at the hotel parking lot.

Failure to comply with snow removal directives may result in student conduct charges.

Summer Occupancy

This license is in effect for students who request and are approved for housing for the summer session. Summer housing is offered only to students on campus for an approved academic purpose, and the student must be a full time resident student in the proceeding spring and following fall semester. Students requesting summer housing will be reassigned to campus suites designated for that purpose. In addition to students, conference guests may occupy certain residence hall rooms during the summer months. Therefore, summer students may be subject to special policies and regulations related to conference groups housed on campus. In addition,

students may be required to move to accommodate maintenance work in the residence halls. Fire and safety regulations and health regulations prohibit the cooking of meals in the residence hall suites, including during the summer months. Students may prepare light snacks within rooms and suites. There is also a kitchen unit in the common area of each residential complex.

Tobacco Free/E-Cigarette/Non-Smoking Policy (Residential Facilities)

The purpose of the non-smoking policy is to limit exposure of the SUNY Polytechnic residence hall community to the second-hand effects of tobacco use and to reduce the risk of fire in and around the residence halls. Tobacco is defined as all tobacco and tobacco-derived products intended for human consumption, including but not limited to cigarettes, e-cigarettes, cigars, hookah or water-pipe devices, pipes, smokeless products, clove cigarettes, bidis, kreteks, electronic cigarettes, smokeless tobacco (chew) and snuff.

Smoking and the use of e-cigarettes can activate fire alarms systems in all dormitories (or other campus buildings) and is prohibited. These devices produce enough vapor to activate smoke alarms. Activation of smoke alarms results in evacuation of the building. Multiple false alarm evacuations may cause people to respond slowly or not at all when a real fire emergency is occurring. In addition, the Maynard Fire Department responds to these alarms whenever they occur. These firefighters put their lives on the line when they respond and are here to protect our community.

Significant and increasing disciplinary action will result from the future activation of fire alarm systems due to prohibited smoking and e-cigarettes.

Cleaning and maintaining e-cigarettes indoors can also trigger the fire alarm. PLEASE DO NOT perform maintenance on your e-cigarettes indoors.

- Absolutely no tobacco products or smoking will be permitted inside any residence hall room, suite or building (including entry canopy).
- Smoking is not permitted within 25 feet of residential buildings.
- Students are responsible for the proper disposal of waste associated with tobacco use in campus-provided receptacles.
- Students are responsible for notifying their guests of the tobacco/smoking policy and ensuring they are abiding by the policy.
- Damage/cleaning charges, restitution to the fire department for response services as well as conduct charges may apply to students who choose to violate the tobacco policy.
- Hookah's and similar devices hold ashes that are a fire risk even when not lit. These items are prohibited from the residence halls and CrestHill Suites even when not in use.
- This policy stresses the rights of residents to enjoy a tobacco-free environment in the residence halls. It relies on the cooperation of the entire college community. It is the responsibility of all members in the college community to observe the tobacco policy and to direct those who choose to use tobacco products to do so only in the designated smoking areas.
- CrestHill Suites maintains a zero tolerance policy for smoking of any kind at the hotel. Students residing in the CrestHill facility are subject to the consequences of smoking as

issued by the hotel staff, and will lose their housing at CrestHill immediately upon discovery of smoking activity.

Trash Removal – Utica Residences

Residents are responsible for taking their trash to the designated dumpsters. Personal room trash must be taken directly to the building dumpsters and may not be deposited in the common trash cans of kitchenettes or lounges in any facility. Bottles and cans should be returned immediately and not stored in the residence hall suites. (Also see Alcohol Policy: Displays.) Residents who do not dispose of their trash in designated containers may be referred for disciplinary action. Residents should review notices outlining the program. Trash cannot be placed in hallways, stairways, lobbies or outside for any length of time.

Trash Removal – CrestHill Suites

CrestHill staff will enter student suites and bedrooms every day to dispose of trash. Students are expected to expect and comply with daily room entry for trash pickup (see also, Linen Service). Bottles and cans should be returned immediately and not stored in the residence hall suites. (Also see Alcohol Policy: Displays.) Residents who do not dispose of their trash in designated in-suite containers may be referred for disciplinary action. Trash cannot be placed in hallways, stairways, lobbies or outside for any length of time.

Winter Break Occupancy

Residence halls will remain open during the fall and spring semesters. Residence halls are officially closed during the winter break. Residents housed during break periods must be on the campus for an approved academic purpose and pay an additional pro-rated charge determined by the SUNY Polytechnic, payable in advance. Specific accommodations for the winter break may be limited and break housing may not be offered in the resident's regularly assigned room. Graduating students eligible to remain for Commencement ceremonies are required to vacate the residence halls by 5:00 p.m. on graduation day. Exceptions may be granted by the Assistant Vice President for Student Affairs or designee.

Calendar of Residence Hall Occupancy

Calendars of Occupancy and Calendars for Sodexo and Chartwell's Dining Services are available under each residence at www.sunypoly.edu/residential_life.

All regulations and provisions herein shall remain in effect unless changed or modified by official written notice.

At the CrestHill site, students licensed for their housing by SUNY Polytechnic are permitted in the common areas of the first floor and on the third floor only. Residential students are not permitted in the hotel guest suite areas of the first and second floor.

