



SUNY Potsdam Annual Security Report and Annual Fire Safety Report

2024 Report (statistical data for years 2023, 2022, 2021)



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

This document is in full compliance with the 2024 Title IX updates.



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On behalf of the campus community, welcome to SUNY Potsdam!

Our primary concern is the safety and well-being of our students, employees, and visitors. In the following pages, you will find a description of the College's dedication to safety and security and a statistical report of certain offenses in and around the campus.

No matter the time or day, the University Police Department (UPD) is available to provide services to the campus community. We promote safety and responsibility through education, training, interaction and when necessary, enforcement of local, state, and federal law.

While we have developed programs, procedures and strategies to protect all members of the campus, it is still necessary for each person to take simple precautions to ensure his or her personal safety and to call University Police or other designated reporters when they observe any suspicious or concerning activity.

The Student Right-to-Know and Campus Security Act was signed into law in November of 1990. Title II of this act 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 offenses that occurred on the campus, adjacent areas of the campus and specified campus-controlled property for the previous three calendar years. The purpose of this report is to provide our current and prospective students, faculty and staff with campus safety information including crime statistics and procedures to follow to report a crime. This report also complies with the Violence Against Women Act (VAWA) Re-authorization 2013. This document was compiled by University Police and is available on our website at: [Annual Reports & Statistics | SUNY Potsdam](#)

Note: The College will not retaliate nor allow any retaliation toward a person(s) who reports an alleged violation of the Campus Security Act.

The statistics in this report are compiled by the University Police Department by analyzing records from the University Police Department database, by reviewing referrals to Student Conduct and by requesting information from Campus Security Authorities and outside police agencies.

This publication is a part of an effort to ensure that you are informed about campus security, personal safety, and fire safety. It includes information on the role of University Police, emergencies/crimes, sexual assault, campus escort service, residence hall security, residence life, personal responsibility, drug/alcohol policies, fire safety policies, fire statistics, and how to access registered sex offender information at SUNY Potsdam. We hope that you read it carefully, retain it as an informational resource, and keep in mind that its purpose is to help foster a safe environment for you and others.

Preparation and Collection of Crime Statistics

University Police prepares this Annual Security Report to comply with the Clery Act. It is prepared in cooperation with local law enforcement agencies, and other campus offices including Environmental Health and Safety, Residence Life, Student Conduct, Student Health and Title IX offices. Campus crime, arrests, and referral statistics include those reported to University Police, those reported to Campus Security Authorities, and those reported to other law enforcement agencies which are tallied and included in this report. The report preparation team requests and shares information over the summer months and reviews policies, employee agreements and US Dept. of Education requirements before compiling this report.

Distribution

This report is posted online [Annual Reports & Statistics | SUNY Potsdam](#). Each year an e-mail notification is sent to all students, faculty, and staff that provides the web address to directly access this report. In addition, printed copies of the report are distributed to campus departments where employees do not have individual access to campus e-mail. A notification is also included in the College Catalog, prospective and accepted student information materials, and on the campus jobs website for prospective employees.

Hard copies are available upon request at University Police.

University Police is available 24 hours a day, 365 days a year.

Daily Shift Logs of all University Police activity are available for review during business hours.

Crime/Fire Logs that list all reported crimes and fires are also available for review.

Reporting Locations

This law requires that campuses report specific criminal activities that occur on campus property and specific areas surrounding the campus as well as a few properties controlled by the campus within the community. Crimes and other hazards occur and exist within the community at large that fall beyond the reporting scope of this report. All students and employees are advised to exercise caution in all areas of the campus community and to contact University Police for information and programming on personal safety.

On Campus: includes all campus buildings, roadways and walkways.

On-Campus Student Housing: includes all residential halls and living spaces.

Non-Campus: includes buildings owned or rented by recognized student organizations (such as recognized Greek letter organizations) or those owned or rented by the College that are situated outside the primary campus area.

Public Property: includes streets, sidewalks, parking lots or green space immediately adjacent to and accessible from the campus.

General Campus Information

SUNY Potsdam enrolls a full-time student population of about 2,400 students and has a part-time student enrollment of about 131. The campus employs approximately 584 full-time and about 111 part-time employees.

Approximately 1100 students reside in our residence halls while nearly 1300 reside off-campus.

Standard Facility Access

Students and employees have access to academic, recreational, and administrative facilities during scheduled hours. Access to residence halls is limited to students and their guests according to our guest procedures (see Code of Student Conduct or inquire of your Resident Director or Resident Assistant). The campus is considered an “open campus” that allows pedestrian, bicycle, and vehicle traffic to travel through the campus without first reporting to a college official. However, the College retains the right to dismiss visitors from the campus when our policies have been violated.

Reporting Crimes

All members of the campus community are urged to promptly report criminal incidents, emergencies and suspicious activities. **The University Police phone number is (315) 267-2222.** Dialing 911 from a campus “landline” will connect the caller with University Police. Picking up any “red phone” located in most campus buildings or activating any of our “blue light” emergency phones strategically located throughout the campus, will immediately connect the caller with University Police. Police officers are immediately dispatched to the site of the emergency phone activation. All reports are classified, logged, and responded to promptly. Any incident, crime or emergency can also be reported directly by any person to the University Police office located in Van Housen Hall Extension, first floor. Reports can be made anonymously at the University Police webpage. The University police email is police@potdam.edu. The Potsdam Police Department can be reached at (315) 265-2121 or by dialing 911 to report any emergency or call for service within the Village of Potsdam.

University Police offers an anonymous witness form on our web page at:

<http://www.potsdam.edu/studentlife/safety/index.cfm>.

This form allows for anonymous reporting of crimes and incidents of concern.

SUNY Potsdam has the RAVE Guardian Safety App available for free download to use on your smartphone. Students can call University Police in an emergency with the touch of a button on their smartphone, as well as sending in tips, texts, and photos to University Police. Students can also assign guardians to monitor their arrival. The App also provides a Call Directory and Online Resources.

Federal law also mandates that any official of the institution who is defined as “Campus Security Authority” is required to report criminal offenses. The definition of “Campus Security Authority”, according to the federal law, is as follows: “An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings.”

At SUNY Potsdam, it has been determined that the following positions are examples of who meet the definition of a “Campus Security Authority”:

- Director of Student Conduct and Community Standards
- Dean of Students
- Athletic Director
- Assistant Athletic Director
- Coaches of Intercollegiate Athletic Teams
- Assistant Coaches of Intercollegiate Teams
- Faculty Advisors to Student Organizations, Clubs, Groups
- Residence Hall Directors
- Resident Assistants
- University Police Officers

Campus Security Authorities are required to report any allegations of Clery Act crimes to the University Police as soon as reasonably possible. Emails are sent out each year to Campus Security Authorities requesting any crime reports. Training for Campus Security Authorities is completed annually using an online training module.

Safety and Security Responsibility



University Police officers are appointed by the State University of New York as defined in the New York State Criminal Procedure Law. They have the authority to make arrests, conduct criminal investigations, issue uniform traffic tickets, execute warrants and issue summonses for parking. The officers also enforce any general, special or local law or charter, rule, regulation, judgment or order.

The University Police Department is the law enforcement agency for the campus. In 2016, the SUNY Potsdam University Police Department became a New York State Department of Criminal Justice accredited police agency. Re-accreditation was achieved in June of 2021. Officers are vested with full law enforcement responsibilities. All officers must pass a rigorous selection process to be hired and then attend a New York State Department of Criminal Justice (DCJS) approved police academy for basic training certification. University Police Officers are highly trained officers who receive specialized instruction and in-service training in first aid, defensive tactics, legal updates, and other law enforcement topics.

The Department forwards crime incident information to the Division of Criminal Justice Services (DCJS) and the FBI through fingerprint submissions for state and national distribution. Crime reports and related information are entered into the Spectrum Justice System (SJS) for statistical and law enforcement purposes.

The University Police Department enjoys a proximity to and a working relationship with the Potsdam Village Police, the St. Lawrence County Sheriff’s Office, New York State Police and other state and federal agencies such as the US Drug Enforcement Administration and Department of Homeland Security.

University Police are a proactive, energetic, and service-oriented police agency. We follow recognized community-oriented police practices and have a Memorandum of Understanding (MOU) with the

Potsdam Police Department. This MOU provides for the ability of each Department to assist the other when necessary, including when violent crimes and missing persons are reported from the campus. Additionally, the Chiefs of both Departments are frequently in contact on a variety of issues and joint projects. The Potsdam Police Department notifies the Office of Student Conduct daily whenever our students are involved in a crime or serious incidents.

Campus Safety Advisory Committee

The Campus Safety Advisory Committee is comprised of a cross section of faculty, staff and students at the College and is appointed by the President each year. The Committee is tasked with the following duties: 1. educating the campus community about personal safety and crime prevention, 2. reporting sexual assaults and assisting victims, 3. advising the President and Chief of Police on matters of campus security and public safety. Each semester the Committee conducts a "Campus Safety Walk," surveying areas of the campus that may need improvement or repair. Issues addressed include lighting, pathways and any other hazards or areas of concern. Committee members include staff from: Environmental Health and Safety, University Police, Residence Life, Physical Plant, Counseling Center, as well as student representatives.

Behavioral Evaluation Committee (BEC)

The BEC is a group of faculty and staff who meet to discuss and respond to students in apparent/potential distress and determine possibility of harm to self and/or others in campus community.

Security and Access

Security and access to on-campus facilities are controlled by key or card access. Staff and Students can also access card swipe doors using the CBORD Mobile ID phone app that is also part of the card access system. University Police, Physical Plant and Residence Life staff monitor access to the campus facilities. These security features may not be reflected at Greek letter organizations located off campus.

Residence halls are locked 24 hours per day. A special emphasis is placed on foot patrols by University Police and Residence Life staff in the residence halls. In addition, door viewers have been installed in most residence hall rooms to increase safety and security.

The campus has a video surveillance system that can be monitored at the University Police Dispatch Desk. The system has over 160 cameras on campus that are recorded and can be reviewed when incidents occur. The campus regularly reviews and adds cameras in areas it deems necessary for the safety and security of the campus community.

Other security considerations used in maintaining campus facilities include checking of campus lighting by University Police and Physical Plant personnel. The Grounds Department checks areas which may be potentially dangerous and takes corrective action.

University Police Officers provide 24-hour per day vehicle, bicycle, and foot patrols of campus properties. The public may attend cultural and recreational activities on campus, yet access is limited only to the facilities in which these public events are held. After evening classes/functions and during times when the campus is officially closed, campus buildings are locked and only faculty, staff and

students with proper identification are admitted. Campus employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

University Police, Department of Environmental Health and Safety and the Physical Plant staff conduct regularly scheduled inspections of emergency phones and lighting throughout the campus. In addition, security cameras have been added to areas vulnerable to vandalism and continue to be added as facilities are renovated or areas of concern are identified. Most entrances to campus buildings have surveillance cameras that can be used to monitor who comes and goes from our campus buildings. University Police can access these cameras at any time.

The Potsdam Village Police monitor officially recognized student organizations within the Village of Potsdam.



Residence Life and Housing

The Residence Life staff is a team of individuals who work to provide a safe and secure environment in which resident students can live and learn. Residence halls are overseen by Residence Directors and Resident Assistants that are responsible for overall operation of the hall. The Residence Hall Directors have educational backgrounds related to counseling and/or student services. They have private offices and are available to assist students with their personal and academic concerns. The Residence Directors and Resident

Assistants live in the residence halls so they are available after hours should emergencies occur. Resident assistants are carefully selected students who are trained in mediation and intervention techniques. They work closely with the residents of their areas to develop a sense of community and to help students adjust living in college residences.

How to Report

The College encourages prompt and accurate reporting of any crime including sex crimes, dating violence, domestic violence, sexual assault and stalking to University Police or external police agencies such as the Potsdam Police, when the victim of a crime elects to or is unable to make such a report. However, it can be difficult for a victim to come forward after such an event. The College provides several options for students who wish to maintain confidentiality while obtaining the support they need.

Levels of Confidentiality

Note: Not all campus employees are able to maintain the same level of confidentiality.

1. **Privileged Communications:** some employees are required to maintain nearly complete confidentiality; talking with them is sometimes called a “privileged communication”.
2. **No Personally Identifying Information:** other employees may talk to a victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosure to these employees will not trigger a college investigation into an incident against the victims’ wishes.
3. **Responsible Employees:** these employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to

these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

Privileged & Confidential Communications

Professional and Pastoral Counselors

Professional, licensed counselors, licensed health care providers and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission. The campus encourages professional counselors to inform persons they are counseling of voluntary, confidential reporting options. Following is the contact information for these individuals:

Professional & Pastoral Counselors
All Members of the Counseling Center, Van Housen Hall, (315) 267-2330
All Members of the Student Health Center, Van Housen Hall, (315) 267-2377

External Resources

SUNY Potsdam community members may contact local off campus organizations to seek support and resources. The counselors and advocates who work with these agencies will assist the victim/reporter in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules and offer confidentiality. A victim/reporter may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so. Following is contact information for these non-professional counselors and advocates:

Non-Professional Counselors and Advocates
Renewal House, 3 Chapel Street, Canton, NY 13617: (315) 379-9845
Reach out, 24 Hour Hotline: (315) 265-2422

Reporting to Employees

Under the 2024 Title IX regulations, SUNY Potsdam has determined that all employees are mandated reporters. When a victim tells an employee about an incident of sexual harassment, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. An employee must report to the Title IX coordinator all relevant details about the alleged sexual harassment shared by the victim and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to an employee will be shared only with the people responsible for handling the College’s response to the report. An employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to an employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the employee what happened but also maintain confidentiality, the employee should tell the victim that the College will

consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the coordinator of the victim's request for confidentiality. Employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the College to fully investigate an incident. By the same token, employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality

If a victim discloses an incident to an employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim's request to provide a safe, non-discriminatory environment for all students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Requests for Confidentiality
Title IX Coordinator, Vice President, Chief Diversity Officer, Dr. Jacqueline Richardson-Melecio , (315) 267-3082 Raymond 710

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same accused individual;
 - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
 - whether the accused threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation

or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the accused pending the outcome of an investigation) or adjustments for assignments or tests; and inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceedings. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Other Confidential Avenues

There are other ways to disclose a sexual assault that will be handled confidentially:

Take Back the Night and other Public Awareness Events

If a student discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, a Student Survivor Advocacy Alliance forum, or other public event, the information the student provides will not result in an investigation. The University may use the information the student provides to inform the need for additional education and prevention efforts.

Anonymous Reporting

Anonymous reports can be made in person, by phone, RAVE Guardian Safety App or by the University Police Anonymous Witness Form at our web page at:

<https://www.potsdam.edu/about/safety/police/incident-reporting/anonymous-reporting-form>

Crime Prevention Programming

Crime prevention programs on personal safety and theft prevention are hosted by several campus organizations and offices throughout the year. University Police officers present for new employee orientation programs; residence halls, student, and employee groups throughout the campus. We also distribute pamphlets on relevant topics; and ensure emergency equipment is operable. Some programs conducted by University Police and Health Educator include:

- University Police - Services and Overview: A description of the services provided by UPD.
- Operation ID: University Police Officers engrave valuables belonging to students with an identification number that can be traced nationally.
- Personal Safety/Basic Crime Prevention and Tips: This program offers techniques to be utilized to maximize safety in a variety of environments "situational awareness".

- Domestic Violence/Dating Violence: This program explains domestic and dating violence and indicators of relationships that could become violent.
- ABC Law/Alcohol: An explanation of the NYS Alcohol Beverage Control Law and the effects alcohol has on the human body.
- Orientation: University Police Officers discuss various important aspects of living on a college campus and in a new community. Safety measures and Emergency Notifications and Timely Alerts discussed.
- Sexual Assault Awareness and Prevention: University Police Officers discuss ways to maximize personal safety and avoid situations in which sexual assault could occur.
- Quality of Life Issues on and off campus: University Police Officers discuss issues affecting neighbors both on and off campus, such as noise, litter and vandalism.
- Drug Identification and Awareness: This program helps students become aware of and identify illegal drugs.
- Drinking and Driving – Beer Goggles: This very popular program allows students to wear specially designed eyewear simulating the effects of alcohol on the human body.
- Alcohol/Drug Abuse Awareness: University Police Officers discuss the dangers of alcohol and drug use.
- Bicycle Safety and Security: University Police Officers explain New York State and local laws surrounding bicycle use.
- Campus Security Authority training: University Police/ Human Resources explain the obligations of crime reporting to specially designated campus employees.
- Citizens Response to Active Shooter Events: This program teaches citizens how to maximize their safety when dangerous events occur.
- Ride-Along program: Any student may spend a shift with a University Police Officer to observe the duties and role of a campus law enforcement officer.
- Credited Internship Program at University Police Department – 120 hours.

Incident Management Team (IMT)

The College has identified and trained several carefully selected members of the leadership staff to efficiently and appropriately respond to any emergency that could arise or affect the campus.

Emergency communications procedures and protocols have been established and are practiced annually by this group known as the Incident Management Team (IMT). The composition of this group includes:

- Dean of Students
- Director of Environmental Health, Safety and Emergency Management
- Chief of University Police and Lt's
- Vice President for Communications
- Vice President for Administration & Human Resources
- Director of Student Health Services and staff
- Director of Physical Plant, Director of Facilities
- Director of Residence Life
- Vice President, Chief of Diversity Officer
- Director of Counseling Center and staff
- Provost
- Director of Dining Services and staff
- College president and staff
- Dean, School of Science and Arts

- Dean, School of Education
- Dean/Director of Campus Life
- Coordinator of Academic records
- Dean of Crane School of Music
- Computing & Technology staff
- Director of Public Relations

If there were a serious, immediate threat to the health and safety of the campus community, the emergency response protocol would be enacted. IMT members and all University Police staff have participated in training that includes completion of the National Incident Management System (NIMS) and FEMA's Incident Command System (ICS).

The Chief of University Police and Director of Environmental Health, Safety and Emergency Management (or their designees) determine the level of the emergency and the protocols to be followed. The campus community will be notified of an emergency by SUNY Potsdam RAVE Alert telephone and text messages, mass email, posters, our website, social media, and other methods. These notifications would be constructed by members of the IMT and our College Communications office. Notification to the greater community would be coordinated with University Police, the Potsdam Police, and members of the IMT. The College tests the SUNY Potsdam RAVE Alert system at least annually as well as our fire alarm systems, emergency evacuation plans and other systems. These tests may be announced or unannounced and all are documented in detail.

Evacuation Procedures

In the event of an emergency on or affecting the campus, the University will alert the campus in a timely manner utilizing a variety of methods as described below.

- **Building Evacuation:** Students, faculty and staff are trained to evacuate a building when a fire alarm is activated or when directed to do so by appropriate staff. Members of the campus community are trained to leave by the nearest, marked exit and to alert others to do the same. They are additionally trained not to use elevators, to assist others when possible, and to proceed to a designated assembly space. Further, return to a building is not permitted until authorized by University Police or campus official.
- **Campus Evacuation:** Evacuation of all or a portion of our campus will be announced by College Communications using RAVE Alert. All people will be directed where to relocate to.
- **Evacuation of Disabled Students:** University Police are notified of those members of the college community who would require assistance in evacuating a building. UPD Officers check exit corridors and stairwells for those who may need assistance. Anyone needing assistance evacuating is asked to call University Police as well.

Timely Warning and Emergency Notifications

What warrants a "timely warning" or "emergency notification"?

Timely Warnings shall be issued whenever a crime as defined in the Campus Security Act **that is considered to represent a serious or continuing threat to students and employees** is reported to UPD or a local police agency. Whenever a timely warning is sent it will be sent to the entire Campus Community.

Emergency Notifications shall be issued when a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on the campus. As appropriate, emergency notifications may be targeted at only a segment or segments of the campus community that are at risk. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Additional information will be provided as it becomes available throughout the course of the event. Whenever a timely warning is sent it may be sent to the entire Campus Community or to the relevant population if technology allows

Who Decides? The Chief of University Police, the Dean of Students, Environmental Health, Safety, and Emergency manager or his or her designees and/or other campus and non-campus officials as appropriate (ex. IMT, Public Relations, Presidents Office, etc.), shall confirm the existence of a situation that may warrant a warning or notification and determine if a timely warning or emergency notification is warranted and the extent of the notification as appropriate. In addition to criminal incidents, emergency notifications may be issued in situations such as, but not limited to:

1. **Safety Related Issues**

- An incident that occurs on our campus that affects the personal safety and security of our population;
- An incident that occurs near the campus that may potentially affect the personal safety and security of our student, faculty and staff population.

2. **Health Related Issues**

- A member of our population is diagnosed with a serious or life threatening communicable/infectious disease;
- Evidence of bioterrorism;
- A significant and dangerous weather event;
- A significant infrastructure failing such as a natural gas leak.

The only reason an immediate notification for a confirmed emergency or dangerous situation would not be issued is if doing so will compromise efforts to: assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

How will a Timely Warning or an Emergency Notification be Communicated?

For Safety Related Issues

The means of communication will be chosen by the College Communications in conjunction with the Chief of University Police or their designee based upon the nature of the incident. Office of Campus Communications will send messages. Possible means of communication are:

- Email to all students and/or faculty/staff;
- Postings in the Barrington Student Union, Maxcy complex, Crane complex and residence halls, as applicable to the incident. At times, postings can be emailed as attachments to various offices as indicated below;

- Delivery of hard copy notification to all residence halls;
- Posting of notification on University Police Department website www.potsdam.edu/police as well as other campus websites;
- SUNY Potsdam RAVE Alert in the case of a critical campus wide emergency;
- Post to the SUNY Potsdam website: www.potsdam.edu;
- Social Media outlets.

Students are encouraged to sign up for SUNY Potsdam RAVE Alert at: <http://www.potsdam.edu/studentlife/safety/ravealert> to receive emergency notifications.

For Health-Related Issues

The means of communication will be chosen by the Dean of Students in conjunction with the Director of Student Health or their designees based upon the nature of the incident. Possible means of communication are:

- Letters to students and/or parents (communication to parents is extremely minimal, most likely done in cases of measles, mumps, or rubella. Viral Meningitis would be communicated to the parents whose students are directly affected.)
- Letters to faculty and staff, if appropriate
- Posting of notification on the University website
- Social Media outlets

Tests or Drills will take place annually to test emergency notification procedures and will be documented by the Emergency Response Resources Group. An After-Action Review will be completed to show the necessary improvements needed and what improvements will be made.

Missing Student Notifications

Residential students are afforded an opportunity to register a Confidential Missing Person Contact through Residence Life upon check-in to their residence halls each year. This information can be modified at any time. The information is kept confidential and is only accessed by authorized campus officials and law enforcement in cases of missing person reports.

Whenever a member of the campus feels any student, faculty or staff member is missing, they are to immediately report this information to the University Police, Residence Life Staff or any staff member. *There is no time in which a person must remain missing in order for a report to be made or for University Police to begin their investigation.* University Police encourages immediate reporting. Certain investigatory steps are taken within the first 24 hours of receiving the report including notification of the student's missing person emergency contact; notification of the student's emergency contact person; notification of the Potsdam Police Department and other law enforcement agencies. In some cases, law enforcement agencies throughout the state, region, the country, and Canada may be notified by electronic means. If the missing student is under the age of 18 years and not emancipated, the campus is required to notify the custodial parent of guardian. The New York State Division of Criminal Justice Services hosts a Missing Child/College Student Alert program at <https://www.criminaljustice.ny.gov/missing/index.htm#/>

There is no time in which a person must remain missing in order for a report to be made or for University Police to begin their investigation.

In some cases, this system may be activated to alert police agencies, the NYS Thruway, broadcast media, airports, bus terminals, train stations, border crossings and other areas within minutes of data entry.

Note: All students are strongly urged to notify their Resident Assistant (RA) if they plan to make an unscheduled trip or outing. This will eliminate the University Police Department from receiving reports of missing persons.

Alcohol and Drugs

The use of alcoholic beverages, narcotics and dangerous drugs is governed by the laws of the State of New York and college policy as detailed in the Student Community Rights and Responsibilities under Prohibited Conduct. Irresponsible and/or illegal possession of, use or sale of alcohol, narcotic or dangerous drugs and/or the resulting inappropriate behavior, is strictly prohibited.

The College will address unlawful alcohol and drug possession with the premise that every alcohol and drug policy violation will be met with disciplinary action and education. There is a need to send both a consistent and strong message that illegal consumption of alcohol, alcohol abuse as well as drug abuse and the resulting behavior will not be tolerated.

The University Police Department is responsible for the enforcement of all federal, state and local laws related to alcohol, narcotics and dangerous drug violations that are reported. These reports receive immediate attention and are thoroughly investigated.

Student Community Rights and Responsibilities – Prohibited Conduct (numbers from student code of conduct)

8. Alcohol

Consistent with New York State Law, individuals under the age of 21 years are prohibited from using, possessing, or distributing alcoholic beverages. Individuals over the age of 21 may use and possess alcohol as permitted by the law and College regulations. Open containers and public intoxication are prohibited. Students who are irresponsible in their use of alcohol or who provide alcohol to minors will be subject to this Code regardless of the students' age. This applies to both on campus and off-campus behavior.

10. Drugs

Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, or distributing a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. cannabis, except as expressly permitted by law is prohibited. Drug paraphernalia including, but not limited to bongs, water pipes, dab rigs, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus. Use of legal medication outside the parameters of the medical authorization is prohibited and prescriptions drugs on campus must have an authentic medical prescription. Students who are irresponsible in their use of cannabis or who provide cannabis to minors will be subject to this Code regardless of the student's age.

22. Greek Life Policies on Alcohol and Other Drugs

Greek Organizations and their members are required to follow the Greek Life Policies on Alcohol and Other Drugs, which can be found on page 66 of the Student Community Rights and Responsibilities. Additional information can be obtained by contacting the Office of Campus Life.

27. Violation of the Law

Violation of any local, state, or federal law and/or regulations established by the Board of Trustees of the State University of New York is prohibited.

Campus Alcohol Regulations

Statement of Purpose

SUNY Potsdam recognizes that a responsible attitude towards the use of alcoholic beverages is a desirable goal and should be encouraged by College policy. These regulations are to act as guidelines to provide members of the College community with an opportunity to develop a realistic and reasoned approach to alcohol use. They presume adherence to New York State Law and respect for the rights of all others in the College community. It is important to note that college policy does not recognize misuse of alcoholic beverages as an excuse for misconduct of any kind.

The SUNY Potsdam Alcohol Regulations apply to all members of the College community and their guests. They are in effect for all campus buildings and the College grounds. They are meant to provide a framework through which responsible use of alcohol is a prime objective.

State and Local Alcohol Regulations

New York State Law

New York State has taken major steps to deal with alcohol abuse. The penalties for “Driving While Ability Impaired” and “Driving While Intoxicated” have increased substantially (including fines, suspension or revocation of license, imprisonment.) The best advice: If you drink, don’t drive.

It is a crime in New York State to purchase alcoholic beverages for, or to give alcohol to, a person under 21 years of age. The legislature has passed several bills to substantially increase penalties for these offenses.

Effective December 1985, the minimum legal age for purchase of alcoholic beverages became 21. The College must comply with State law.

Effective October 1989, a person under the age of 21 who presents an altered New York State driver’s license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver’s license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver’s license following the suspension.

Effective November 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation.

Effective January 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials.

Civil Liability

General Obligations Law of New York State Section 11-100 provides for civil liability against any person knowingly causing intoxication of a person under 21 years of age by furnishing alcoholic beverages to that person or by aiding such a person in procuring alcoholic beverages. Section 11-100 (Dram Act) provides for civil liability against any person selling or procuring alcoholic beverages for an intoxicated person regardless of age.

Village of Potsdam

It is a violation in the Village of Potsdam to possess an open container that contains or has contained alcoholic beverages on a street, in a parking lot, on a highway, on a sidewalk, in other public places or in a motor vehicle. This applies equally to the campus premises.

General Regulations

- The College will not accept use of alcohol as an excuse for misconduct.
- The violation of New York State law and the ordinances of the Village of Potsdam regarding the use and possession of alcohol is a violation of SUNY Potsdam regulations. New York State law regarding DWI and DWAI is applicable to all College property and the violation of same on College property constitutes a violation of these regulations.
- Misconduct on College property resulting from the use of alcohol constitutes a violation of these regulations.
- Possession of any alcoholic beverage by a person under the age of 21 is expressly forbidden.
- Referrals of students with potential alcohol abuse issues to an appropriate campus program or the St. Lawrence Health Systems Substance Use Disorder Services (or other substance abuse treatment facility) may be a provision of any penalty or sanction for violation of these regulations.
- No vendor shall deliver, or cause to have delivered, alcoholic beverages to the campus except where such delivery is made to a College authorized representative or agent of a licensed vendor (i.e. PACES).
- Any violation(s) of these regulations shall be dealt with in accordance with Article VI.
- Alcoholic beverage restrictions are determined by the policy governing the type of area in which alcohol is to be involved (i.e. Thatcher Hall, residence hall room) rather than the type of event (i.e. party, function).

Regulation of Alcoholic Functions

Campus-wide Regulations

- Reasonable amounts of solid, substantial food and non- alcoholic beverages must be available.
- Availability of alcoholic beverages in PACES leased facilities will be authorized by the Director of Dining Services, or designee, in consultation with the appropriate building administrator. The duration of alcohol service at an event will be determined by the vendor (PACES) as part of their responsibility as a license holder.
- The College reserves the right to charge supervisory fees, cleaning and damage deposits for the use of College facilities. Fees are payable in advance.
- Outdoor functions must be approved by the Director of Student Life Facilities.

- The primary thrust of an activity should not be drinking alcoholic beverages. Advertising should promote a realistic activity and advertising will be limited to designated, controlled and appropriate places.
- The number of persons attending a function is limited to the legal limit of the area.

Residence Hall Regulations – see section on Residence Hall Living.

Application Procedure Sale and/or Service of Alcohol

The only group that may sell or serve alcohol on the College premises is PACES (by contract with the State University of New York). The only areas licensed for regular sale of alcoholic beverages are the Barrington Student Union, Thatcher Hall and the Student Union Patio. All other areas require that PACES purchase a one-day caterer’s permit from the New York State Liquor Authority. The permit must be visible at the event and no event will be held without this permit. This requires a significant lead time (please check with the catering office for specifics.) The cost of this permit will be passed on to the sponsoring group. Failure to receive a permit may require the event to be moved to a licensed facility, if available.

Enforcement Procedures

College groups and individuals not in compliance with this policy may be charged under the College student conduct system.

Sanctions, Temporary and Administrative Directives and Transcript Notes

Failure to comply with sanctions and directives is a violation of College policy subject to additional conduct charges.

Sanctions

A sanction is a requirement or status that is imposed as a result of either accepting responsibility or being found responsible for violating the Student Code of Conduct, Student Community Rights and Responsibilities.

Sanctions are determined by the seriousness of the code violation and the total conduct record of the student and are not necessarily progressive. Each case is determined on its own merits. Student conduct outcomes are intended to find a balance between the interests of the individual student and of the community. For example, a student with no prior disciplinary record may be assigned a sanction commensurate with the offense up to and including removal from residence, suspension or dismissal. Sanctions may be enhanced in situations that have created an unsafe environment. An unsafe environment refers to a situation where individuals are exposed to hazards that could cause physical harm or illness, such as underage drinking/drug use, hazing, unsanitary conditions, overcrowding, etc. Failure to complete a sanction may result in a hold being placed on a student’s transcript preventing the student from registering.

Verbal Conduct Warning

A verbal notice to a student that the behavior is counter to the expectations in the Student Code of Conduct. A Verbal Conduct Warning is issued for low-level behavior infractions. This is not considered a formal sanction, rather an understanding between the student conduct administrator and student with the expectation that the student modifies future behavior.

Written Conduct Warning

This is a lower-level sanction issued as a result of a formal Student Conduct Referral. This serves as a strong notice to a student that the behavior is counter to the expectations in the student code of conduct.

Disciplinary Probation

This is a higher-level sanction issued as a result of a formal Student Conduct Referral that does not compromise a student's housing or their status as a student. Disciplinary Probation generally lasts fifteen (15) weeks (while classes are in session) but may last as long as two semesters and includes all the restrictions of the Written Conduct Warning. This is an official notice that advises that the student may risk separation from the college if there are any further violations.

Terminal Disciplinary Probation

This is issued as a result of a formal Student Conduct Referral and is imposed for serious violations or a pattern of violations of the Student Code of Conduct. A student is placed on Terminal Disciplinary Probation for a specified period to include until Graduation based on the violation. Terminal Disciplinary Probation may last from one (1) to eight (8) semesters.

Having an active Terminal Disciplinary Probation status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities.

Removal from Residence

Students who have a serious violation of the community standards outlined in the Student Code of Conduct or the residence license, or because of a series of breaches of the community standards in the Residence Halls will be asked to leave campus residence either permanently or for a period of time. This sanction carries with it the penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs. Depending on the nature of the incident, the student may also receive disciplinary probation as part of this sanction.

Deferred Suspension

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Deferred suspension may last from one (1) to eight (8) semesters. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension.

Disciplinary Suspension

A student who is suspended from the College is unable to register for and attend classes or to be present on College property for a prescribed period of time. Suspension is a severe sanction and the student forfeits tuition and fees along with room and board if a residential student and does not receive academic credit for the semester in which the suspension occurred. Students who are Disciplinary Suspended and wish to return to the College must first meet with The Director of Student Conduct and Community Standards to assess their readiness for readmission. Students who are Disciplinary Suspended with conditions and who wish to return to the College must meet with The Director of Student Conduct and Community Standards to verify the successful completion of the conditions. Disciplinary Suspension can last for one (1) to (4) semesters.

Deferred Disciplinary Dismissal

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant dismissal but feels that there are mitigating circumstances that warrant one final chance. Being found responsible for another violation during the period of deferred dismissal, no matter how minor, will result in immediate dismissal. Deferred disciplinary dismissal may last from one (1) to eight (8) semesters.

Disciplinary Dismissal

A student who is dismissed (expelled) from the College is permanently separated from the community, prohibited from being on any property of the College, may never return to the institution, are ineligible to re-enroll and cannot earn a degree from the College. The student forfeits tuition and fees along with room and board if a residential student, as well as the academic credit for the semester in which the dismissal occurred.

Residence Hall or Campus Restriction

A student may be restricted from being present in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community.

A student may also be barred from the entire campus if the student conduct hearing officer/board reasonably believes the student poses a threat to the health, safety or well-being of the College community.

Other restrictions may be imposed such as denial of access to specified campus services or programs. These include, but are not limited to

- Ineligible to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College,
- Ineligible to represent the College to anyone outside the College community at an official function or event
- Restriction from involvement or membership in activities or programs sponsored by the College such as SGA recognized groups or Campus Life recognized groups
- Restriction from possessing a particular item on campus (i.e. stereos, radios, bicycles, sporting items)
- Withdrawal of the privilege of operating a motor vehicle on-campus
- Restriction from hosting visitors or guests
- Restriction from serving as an approved driver for campus vehicles
- Loss of privileges such as use of a particular facility (i.e. specific dining facility, Maxcy Hall)

Restitution

If College property is damaged, the appropriate College department and/or personnel will make an assessment of the damage. The responsible student(s) may be billed as appropriate. Restitution for personal property cannot be resolved via the Student Conduct System.

Educational Programs & Services

Educational Programs & Services such as Alcohol Education Programs, Drug Education Programs, Community Service, By-Stander Intervention Programs, reflection or research papers, etc., may be used to supplement any other student conduct sanction. It is the sole responsibility of the student to bear any costs associated with these sanctions.

Temporary Directives

Temporary Suspension

The Director of Student Conduct & Community Standards or designee may take action immediately to suspend a student from the College and remove the student from campus when, in consultation with the Dean of Students, there is reasonable belief that the continued presence of such student would constitute a danger to the safety of persons or property. The Director of Student Conduct or designee may also temporarily suspend an organization and/or the activities of an organization for an interim period pending conduct charges and proceedings. The suspension is temporary pending the resolution of the student's or organization's Conduct Referral as outlined in the Student Conduct Procedures of the *Student Community Rights & Responsibilities*.

Temporary Removal from Residence or Reassignment

When the Director of Student Conduct & Community Standards or his/her designee, when in consultation with the Dean of Students and the Director of Residence Life, reasonably believes that the behavior of a resident student significantly detracts from the educational environment of the residence hall or constitutes a danger to the safety of other persons or property in the residence hall, the Director may temporarily reassign the student to another residential space or remove the student from campus housing and restrict the student from the buildings and grounds of the residential complexes. The removal is temporary pending the resolution of the student's Student Conduct Referral as outlined in the Student Conduct Procedures of the *Student Community Rights & Responsibilities*.

Administrative Directives

No Contact Order

A written directive prohibiting certain behaviors with a protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney). If the Accused/Respondent/Referred Party and a Protected Person observe each other in a public place, it is the responsibility of the Accused/Respondent/Referred Party to leave the area immediately and without directly contacting the protected person.

Cease & Desist

A written directive to both parties prohibiting contact with each other, either directly or through a third party or directive to prohibiting one or both parties from engaging in a specific behavior.

Residence Hall or Campus Restriction

A student may be restricted from being present in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Dean of Students, Director of Student Conduct or designee in consultation with the Dean of Students, reasonably believes the student poses a threat to the health, safety or well-being of the College community.

Transcript Notations

At the conclusion of the appeals process, a student who has been suspended or expelled for any violation of the Student Code of Conduct including but not limited to behavior that leads to the death or serious physical injury of another person, hazing, physical abuse, sexual misconduct, and, per New York State Education Law Article 129B, conduct that constitutes a crime of violence (including but not limited

to sexual assault) as defined in the Clery Act will have a permanent notation placed on the student's official college transcript indicating the disciplinary suspension or expulsion. If a student withdraws from the institution while such a disciplinary matter is pending, a transcript notation will indicate that the student withdrew with student conduct charges pending.

The following transcript notations are used by SUNY Potsdam:

- Temporarily suspended (date) pending code of conduct hearing
- Withdrew with conduct charges pending (date)
- Suspended after a finding of responsibility for a code of conduct violation (date) to (date)
- Expelled after a finding of responsibility for a code of conduct violation (date)

Transcript notations for a student who is suspended or who chose to withdraw with a pending conduct investigation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Dean of Students or designee.

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

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

Other disciplinary records maintained by the Office of Student Conduct and Community Standards are not reflected upon a student's academic transcript but are maintained in the Office of Student Conduct and Community Standards in accordance with college policy.

To file an appeal to have the transcript notation removed from an academic transcript a student must submit in writing to the Dean of Students or designee evidence of rehabilitation or other good cause for the transcript notation removal.

Students who withdrew from the College prior to resolution of the conduct process will need to fulfill the sanctions found in absentia before being permitted to appeal.

Appeal decisions will be provided in writing within thirty (30) calendar days of submission.

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana, App. 2)				
Schedule	Substance/ Quantity	Penalty	Substance/ Quantity	Penalty
II	Cocaine 500-4,999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Amount of Any Drug Product Containing Gamma Hydroxybutyric Acid	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV) (Other than 1 gram or more)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Substance / Schedule	Quantity	1st Offense	2nd Offense
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

Health Risks

The following information on health risks is from the Centers for Disease Control and Prevention:

Alcohol

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.

The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

Marijuana

About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there).

Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

The following information on health risks is from the National Institute on Drug Abuse:

MDMA

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for “molecular”) often refers to the supposedly “pure” crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones (“bath salts”) instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana.

MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors
- Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

MDMA’s effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It’s possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana.

High doses of MDMA can affect the body’s ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

Opioids

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused. Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience. In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing. Opioid misuse can cause slowed breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed. People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings. An opioid overdose occurs when a person uses enough of the drug to produce life-threatening

symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death. If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid).

Rohypnol®

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgement; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36- 72 hours to leave the body.

GHB (Gamma Hydroxybutyric Acid)

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

Ketamine

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory.

If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

Opioid Abuse

- Provides students, Residence Life staff and new employees with an overview of opioid abuse, prevention and intervention.

St. Lawrence Health Systems – Alcohol and Other Drug Specialists

20 Cottage Street, Potsdam, NY 13676

Phone: [\(315\) 261-5405](tel:3152615405)

Hours: Monday - Thursday from 8:00am - 6:00pm, and Friday from 8:00am - 5:00pm

12 Elm Street, Potsdam, NY 13676 (bottom floor)

Phone: [\(315\) 261-5420](tel:3152615420)

Hours: Monday - Friday from 8:00am - 5:00pm

[Gouverneur Hospital](#), 77 W Barney Street, Gouverneur, NY 13642

Phone: [\(315\) 261-5407](tel:3152615407)

Hours: Monday - Thursday from 7:30am - 6:00pm, and Friday from 8:00am - 4:00pm

Programs Conducted by the University Police

- Domestic Violence/Dating Violence: This program explains domestic and dating violence and indicators of relationships that could become violent.
- ABC Law/Alcohol Awareness: An explanation of the NYS Alcohol Beverage Control Law and the effects alcohol has on the human body.
- Orientation – Provided for Students and Parents: University Police Officers discuss various important aspects of living on a college campus and in a new community. Safety services provided also discussed.
- Common Roadblocks Students Encounter: University Police Officers explain ways to maneuver around common obstacles facing college students.
- Drug Identification for Resident Assistants: This program is tailored for Resident Assistants to help them identify drugs.
- Drug Identification and Awareness: This program helps students become aware of and identify illegal drugs.
- Drinking and Driving – Beer Goggles: This very popular program allows students to wear specially designed eyewear simulating the effects of alcohol on the human body.



Other programs on alcohol and drugs are also provided on campus by the Potsdam Village Police, the New York State Police, Alcoholics Anonymous, Renewal House and the Potsdam Volunteer Rescue Squad. Programs are provided when requested and focus on the residence halls and student groups.

Sexual Assault Awareness and Prevention

College Policies and Regulations on Sex Offenses

What is the College's position on sexual assault?

The College encourages prompt reporting of any act of sexual misconduct by every member of the community. The College believes that the best approach to the complex problem of sexual assault is prevention. The College puts forth considerable resources in the areas of sexual assault education; support services for the survivor; crime prevention and campus law enforcement. Furthermore, the College believes that all sexual assault incidents are very serious and are dealt with in a sensitive, private, and professional manner. The College makes every effort to identify the person responsible for sexual assault offenses and pursues criminal charges as well as campus disciplinary action.

Sexual assault is prohibited. Sexual assault is defined as forced, manipulated, or coerced sexual acts using verbal coercion, emotional or physical intimidation, threats, physical restraint and/or physical violence. It may include but is not limited to unwanted touching of another person's intimate areas (genitalia, buttocks, breasts), oral copulation or rape by a foreign object. It includes acts that occur when the survivor is intoxicated to the point of being unable to "provide consent" or in other words, make an informed decision. Intoxicating agents include alcohol and other drugs. Being unconscious, asleep and in some cases, simply remaining mute may also preclude a person from providing consent.

Code of Student Conduct, Rights and Responsibilities:

Prohibited Conduct (numbers from student code of conduct)

20. Threatening or Abusive Behavior

Intentionally or recklessly causing physical harm to any person or reasonable fear of such harm.

Students cannot justify such behavior as defensive if:

- A. The behavior is a physical response to verbal provocation;
- B. The student has the ability to leave the situation, but instead chooses to respond physically;
- C. In circumstances where such actions are punitive or retaliatory

13. Harassment

Engaging in behavior that is sufficiently severe, pervasive, or objectively offensive that it unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the College's education program and/or activities, and creates an academic environment that a reasonable person would find intimidating or hostile. Activity protected by the First Amendment will not constitute harassment. Harassment may include:

- A. directing unwanted conduct at an individual based on one or more of that person's protected characteristics or status, including age, color, race, disability, marital status, national/ethnic origin, religion, veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation, political activities or genetic information; or
- B. subjecting a person or group of persons to unwanted physical contact or threat of such; or
- C. engaging in a course of conduct, including following the person without proper authority (e.g., stalking), under circumstances which would cause a reasonable person to fear for their safety or the safety of others or to suffer emotional distress.

28. Intimate Partner Violence

Intimate Partner Violence includes Dating Violence and Domestic Violence, both of which are further defined below. Intimate Partner Violence can occur in relationships of the same or different genders.

A. Dating Violence

As defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act, is any violence committed by a person:

- a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) the length of the relationship;
 - (ii) the type of relationship; and
 - (iii) the frequency of interaction between the persons involved in the relationship.

B. Domestic Violence

Any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of New York State, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York State.

31. Stalking

Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their personal safety or the safety of others or cause that person to suffer substantial emotional distress. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy or alarm the person. Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as internet, pagers, cell phones, or other similar devices.

11. Endangerment

Acting to create or contribute to dangerous or unsafe environments anywhere on or off campus. Reckless or intentional acts, which endanger, or put at risk, the welfare of oneself or others are prohibited.

30. Sexual Harassment

Sex-Based Harassment: sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

A. Quid pro quo harassment

An employee, agent or other person authorized by SUNY Potsdam's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

B. Hostile environment harassment

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY Potsdam's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a) the degree to which the conduct affected the Complainant's ability to access SUNY Potsdam's Education Program or Activity;
- b) the type, frequency, and duration of the conduct;
- c) the Parties' ages, roles within SUNY Potsdam's Education Program or Activity, previous interactions and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- d) the location of the conduct and the context in which the conduct occurred; and
- e) other Sex-Based Harassment in SUNY Potsdam's Education Program or Activity.

29. Rape, Sexual Assault and Sexual Exploitation

Sexual Assault as defined in the Clery Act, meaning any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Sexual Assault I

Sexual intercourse or any sexual penetration, however slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) without the affirmative consent of the victim.

B. Sexual Assault II

Touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, without the affirmative consent of the victim. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.

C. Sexual Exploitation

Non-consensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and Sexually Transmitted Infection ("STI") prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; distribution of non-consensual pornography (revenge porn); and inducing incapacitation with the intent to sexually assault another person.

"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.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time.

Consent cannot be given when a person is incapacitated, and a reasonable person knows or should have known that such person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

What Should I do if I am Assaulted?

In order for survivors to obtain proper support and build a strong case against the offender, it is helpful to take the following measures:

- After getting to safety, report the assault immediately to University Police.
- Survivors may report to any outside police agency at any time and the college will assist them in the investigation.
- University Police will provide survivors with written notice of reporting options, remedies, and services.

Students' Bill of Rights

The State University of New York and SUNY Potsdam are committed to providing options, support and assistance to members of our community that are affected by sexual harassment, 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. To view a complete list of all of the rights afforded to students in the Student Bill of Rights, please visit: <http://www.potsdam.edu/offices/hr/titleix/billofrights>

Title IX Coordinator

Jacqueline Richardson- Melecio, richarjv@potsdam.edu, titleix@potsdam.edu.
315-267- 3082

University Police: universitypolice@potsdam.edu, Van Housen Hall Extension, 315-267-2222

Anonymously at: <http://www.potsdam.edu/studentlife/safety/incidentreporting/witnessform.cfm>

Additional Reporting Locations

- Office of Student Conduct and Community Standards: Barrington Student Union, (315) 267-2579
- College Counseling Center: Van Housen Hall, (315) 267-2330
- Student Health Services: Van Housen Hall, (315) 267-2377
- Canton Potsdam Hospital: 50 Leroy Street, Potsdam, (315) 265-3300

- Potsdam Police Department: 38 Main Street, Potsdam, (315) 265-2121
- Renewal House: 3 Chapel St Canton, (315) 379-9845

Evidence Preservation – for future criminal prosecution or campus student conduct action:

- Do not change clothes, shower, or clean up in any way
- Do not throw anything away
- Do not take any unnecessary medication
- Inform the investigator of people who may have been nearby during the assault or who may have heard or seen anything before, during or after the attack. It is very important you inform the police whom you spoke with, emailed, or texted after the attack.
- Try to describe the attacker in detail: age, weight, height, race, eye and hair color, clothing, scars, tattoos, piercings, length of hair, if facial hair was present, jewelry worn, items they may have left, odors, exact wording they used and any distinctive language or speech patterns.

Survivor Assistance

Please remember that the sexual assault is not your fault. It does not matter what you may have been wearing or how much you had to drink.

- Sexual Assault and Violence Response (SAVR) Resources: <https://www.suny.edu/violence-response/>
- Although it is never too late to report a sexual attack, reporting as soon as possible is very important.
- As a sexual assault survivor, you have the right to report the incident. Only you can make that decision. We want to ensure you receive the support you need to handle this crisis. We strongly encourage you to file a complaint. The College wants to handle this incident in the best way for you and in a manner that prevents further attacks. Studies show rapists are often repeat offenders and have an average of up to 6 victims. You can help stop the cycle of attacks.
- Survivors may be able to have their academic and living conditions changed.
- We have many resources dedicated to survivors of sexual attacks. Of course, first and foremost, we urge you to contact the University Police as soon as possible.
- The Counseling Center's highly training staff is always available to help you.
- Wellness Advocates (WA's) are on call through the Counseling Center as well, should you prefer to speak with a peer. Their number is 315-261-8873.
- Resident Assistants and Resident Directors are also available, at all times, to help.
- Renewal House, a domestic violence and rape crisis organization is available at 315-379-9845.
- Reachout, a 24-hour crisis outreach service is also available at any time.

Counseling

Counselors are special people with enduring sensitivity, trained to respond to crisis situations. They can understand, support, advocate, listen and clarify. The Counseling Center is located in Van Housen Hall: (315) 267-2330.

You do not bring your best skills to a crisis, but a counselor will bring his/hers. You can choose to talk to either a male or a female counselor or not to speak to a counselor at all.

If you choose to speak with a counselor, they will try to help you sort through all of the important issues one step at a time, at a manageable pace with you leading the way. Some of the issues a counselor may discuss with you:

- Obtaining immediate care for physical trauma.
- Gathering medical/legal evidence using a sexual assault nurse examiner (SANE Nurse).
- Prevention/treatment of SID/HIV.
- Prevention/treatment of pregnancy.
- Linking with your personal support system of family and friends.
- Legal assistance/reporting and prosecuting the offender if you choose to do so.
- Help dealing with any long-term effects of assault, including anxiety, depression, fear and how to handle family members and friends.

Medical Care

If you have been sexually assaulted, it is important to make sure you protect your physical health as well as your mental health. SUNY Potsdam Student Health Services (Van Housen Hall: (315) 267-2377) is ready to help you get the medical care you need after a sexual assault, but there are other options for you as well. You could see your regular doctor or go to the nearest emergency department, Canton-Potsdam Hospital, 50 Leroy Street, Potsdam: (315) 265-3300. Please keep in mind that many treatments are time dependent. The sooner you obtain medical care, the more effective the treatment can be.

Visiting a health care provider can ensure your safety by providing you with the following:

- Treatment for any physical trauma that occurred during the assault.
- Screening for and prescription medications to prevent sexually transmitted infection including HIV.
- Prescription medications to prevent pregnancy.
- Collecting physical evidence that may help you in court or making arrangements for a sexual assault nurse (SANE) to do the same.
- Helping you get any counseling and support you may need.

Programming for Preventing of Sexual Assault/Awareness on our Campus

- Personal Safety/Basic Crime Prevention and Tips: This program offers techniques to be utilized in order to maximize safety in a variety of environments.
- Title IX training at all Orientation Sessions, for all new incoming students and staff. Training provided in person by Title IX Coordinator as well as online training programs as part of student registration and employee training through Human Resources. Ongoing annual trainings for students and staff is also provided by Title IX as well as our Health Educator.
- Student Groups Title IX training, ex. Athletics, Greek organizations, student government etc.
- Domestic Violence/Dating Violence: This program explains domestic and dating violence and indicators of relationships that could become violent.
- Alcohol Awareness: An explanation of the NYS Alcohol Beverage Control Law and the effects alcohol has on the human body.
- Orientation – Provided for Students and Parents: University Police Officers discuss various important aspects of living on a college campus and in a new community.
- University Police Safety Escorts: Officers will escort anyone who feels they are not safe.
- Sexual Assault Prevention: University Police Officers discuss ways to maximize personal safety and avoid situations in which sexual assault could occur.
- Safer Sex Programs: Health educators explain safe sex practices.

Recommended Sexual Assault Prevention Measures

Before we suggest ways to protect yourself from attack, it is helpful to examine and be aware of myths surrounding sexual assaults.

Myth #1: The motivating force behind sexual assault is only sexual desire.

Sexual assault is about power and control, humiliation, and degradation.

Myth #2: Sexual assaults are perpetrated mostly by strangers outdoors and at night in deserted areas like parking lots, behind bushes and back alleys.

In fact, this is **atypical** of most rapes and sexual attacks, particularly on college campuses. In **most** cases, sexual assault survivors knew their attacker prior to the assault and in some cases, the perpetrator was a boyfriend or girlfriend. Many sexual assaults occur in the context of a date, while others are committed by neighbors, relatives, and other acquaintances. Almost half of all reported rapes occur in a home, many times the survivor's home.

Myth #3: Physical assault is always involved with sexual assault. The survivors will have bruises and apparent injuries on their body if they were truly sexually assaulted.

Most sexual assaults do not involve a high level of physical violence. Psychological strategies like intimidation, pressuring, emotional blackmail, and the use of threats are the most common techniques used by perpetrators. Most offenders utilize physical force after psychological strategies have failed. Many survivors do not present with bruises, cuts, or torn clothing. They may not look "battered".

Myth #4: You can tell simply from another person's actions or way of dressing that she or he wants to have sex with you. One can never assume someone wants to have sex based on his/her appearance (appearance does not imply or take the place of verbalized consent).

Myth #5: Some people ask to be raped or sexually assaulted and are at fault for whatever happens.

People may make poor judgments and even dangerous decisions, but no one ever **asks** or **deserves** to be sexually assaulted. Sexual assault has nothing to do with appearance or the victim's reputation. **It is never the survivor's fault!**

Myth #6: Women make up accusations of sexual assault to get revenge against a person. Sexual assault is severely under-reported and false complaints make up a small portion of reports.

Myth #7: Rapists are severely disturbed. Generally, rapists test in the normal range on most psychological instruments. Rapists look like most other people and often have jobs, families, and otherwise normal lives.

Helping Protect Others – Bystander Interventions

- Respect your partner's decisions. Don't pressure them to go beyond the limits they have set. Listen carefully to your partner and ask for clarification if your partner seems unclear or is giving you a mixed message. If you're not sure your partner wants to engage in a sexual act, ask them!
- Respect the person when he or she says, "no" to sexual activity and comply. **Not hearing the word "no" does not mean "yes" or imply consent has been given.** Be absolutely certain you are not going beyond your partner's limits. Once again, asking your partner if they want to have sex is a great way to show them respect and to clarify what they want.

- **If you see someone in a vulnerable position, find a safe way to help.** Don't ignore what you think is a dangerous situation or presume someone else will take care of the problem.
- Alcohol and drugs diminish the ability to make clear and good decisions. **Having sexual contact with someone too intoxicated by any substance to make a good decision is a crime.**
- Be careful in groups. Resist pressure from friends to participate in or be subjected to any act with which you are not comfortable.
- Never make assumptions about a person's behavior. **Never assume a person wants to have sex because they drink heavily, dress in a certain manner or agree to go back to your room.**
- **Previous consent does not imply current consent.**

How To Protect Yourself Against Sexual Attack

SUNY Potsdam has experienced a relatively low incident of sexual assaults. However, it is important not to develop a false sense of security. Knowledge and awareness help make safe decisions.

- Most rapes on or near college campuses are committed by acquaintances or during some type of date. Although "stranger crimes" can occur, they are very rare on campus and within the community.
- **Students are at the highest risk of unwanted sexual contact during their first few weeks on campus or during their first few weeks living off-campus.**
- Determine what you want, and what you don't want, and communicate your personal limits clearly. No one should pressure you into unwanted sexual activity. If you are uncertain about what you want, tell your partner to respect your feelings.
- Know that you have the right to say, "No" at any time and the right to defend yourself against an attacker.
- **Trust your intuition. If you feel uncomfortable leaving or entering a Residence Hall, go to the most public space. Never feel you have to hold the door for others to enter a secure Residence Hall. If you feel something is wrong, it likely is. Remove yourself from the situation and get to a safe space as quickly as possible.**
- Be careful with alcohol and drugs. Some people think that a drunk or stoned companion has automatically consented to sex. This is not true. Investigations show alcohol use and abuse is often a component of sexual assault cases.
- Attend parties with friends you can trust. Agree to "**look out for one another**". Always try to leave with a group rather than alone or with someone you don't know well.
- If you find yourself alone and uncomfortable on campus, call University Police at 315-267-2222. If you are off campus and alone and uncomfortable, and feel your safety is compromised call 911.
- Look for danger signals in a dating relationship. If your partner restricts your activities, isolates you from friends or displays jealous behavior, he or she may become dangerous.
- Talk with your friends about the problem of dating violence. Become conversant with techniques to disrupt degrading jokes about violence and sexuality (Bystander Awareness Training offered by Student Affairs).
- Be alert. Walk with confidence and look others in the eye.
- Carry your car or house/room keys in your hand as you leave or are walking toward your destination.

Safety in the Residence Halls and In Your Apartment

- Do not let strangers in the exterior doors.
- Keep your doors locked at all times. If off-campus, windows should be locked as well.
- Do not open your locked door for anyone until you know who they are and decide you want them in your living space. Use your door viewer.
- Ask for identification from the repairpersons or service persons who come to your door before allowing entry.
- Report lost keys and ID cards immediately to Residence Life staff.
- Report suspicious persons to Residence Life staff or University Police immediately.
- Do not “prop” open outside doors.
- Remember: Always keep your door locked, even when using the bathroom or visiting friends on your floor. Keep it locked.

Sex Offender Information

Individuals convicted of sex offenses throughout the country may be designated as “sex offenders” and some may be required to register with law enforcement agencies. In New York State, there are three categories or levels of sex offenders. They are Level One, Level Two and Level Three. Level Three offenders are considered to have committed the most serious sexual offenses and to pose the greatest threat of re-offending while Level One offenders are considered to have committed the least serious of offenses and are least likely to re-offend.

The State of New York Division of Criminal Justice Services and the St. Lawrence County Sheriff’s Office maintain an on-line service, listing offenders in the State and in our area. The web addresses are as follows: <http://www.criminaljustice.ny.gov> and [Sex Offender Watch | St. Lawrence County \(stlawco.gov\)](#)

Additionally, the University Police will assist any member of the campus in locating these sites and information related to the Sex Offender Registry in New York State.

Non-Discrimination Notice

Pursuant to the State University of New York policy, SUNY Potsdam is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual’s race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, marital status, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants, or other members of the campus community (including, but not limited to, vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law or treated adversely or retaliated against based upon a protected characteristic.

The University’s policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

SUNY Potsdam does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX, including in admission and employment.

Inquiries regarding the application of Title IX and other laws, regulations, and policies prohibiting sex discrimination or regarding the application of ADA may be directed to Title IX Coordinator Jacqueline Richardson-Melecio or designee at (315) 267-3082 or by email at titleIX@potsdam.edu.

Inquiries about other types of discrimination may be directed to Chief Diversity Officer Dr. Jacqueline Richardson-Melecio or designee at 315-267-3082 or by email at richarjv@potsdam.edu or dei@potsdam.edu.

Inquiries may also be directed to the United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel.(646) 428-3800; email OCR.NewYork@ed.gov.

Grievance Procedure for Sex-Based Harassment Complaints for Students Including NYS 129B Requirements

Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024 will be processed through the institution's Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under Title IX Regulations (2020 Grievance Policy).

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Procedure, the Procedure in its entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or Student Community Rights and Responsibilities (<https://www.potsdam.edu/current/student-conduct-community-standards/student-community-rights-andresponsibilities>) and for faculty or staff defined within the policies and procedures found the Human Resources policies and procedures website (<https://www.potsdam.edu/about/offices/hr/policies-and-procedures>). SUNY Potsdam will update this Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Procedure, if applicable.

Scope of Procedure

Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

Jurisdiction of Procedure

SUNY Potsdam's Title IX Coordinator or designee will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator or designee:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States, except for cases of sexual assault, domestic violence, dating violence and stalking, in which case, if such occurred off campus or during study abroad, will be subject to the jurisdiction of this Grievance Procedure;
- The conduct alleged occurred in SUNY Potsdam's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

NOTE: SUNY Potsdam has an obligation to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside SUNY Potsdam's Education Program or Activity, or outside of the United States. SUNY Potsdam's Title IX Coordinator or designee will work with all Complainants to assess such complaints that may fall under these criteria, and direct to appropriate SUNY Potsdam Policies and Procedures that may apply if this Grievance Procedure does not. SUNY Potsdam will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section below.

Conduct that occurs under SUNY Potsdam's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by SUNY Potsdam and conduct that is subject to SUNY Potsdam's disciplinary authority under the Student Community Rights and Responsibilities (Student Code of Conduct).

If all elements of jurisdiction are met, SUNY Potsdam will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the complaint.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law.

All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>. Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at <https://dhr.ny.gov/complaint>.

Students' Bill of Rights

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;

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

Definitions

Accused means a person accused of a violation who has not yet entered an institution's judicial or conduct process.

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an Education Program or Activity operated by SUNY Potsdam.

Bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.

Code of conduct means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

Consent means 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. Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent. Consent cannot be

given when it is the result of any coercion, intimidation, force, or threat of harm. When Consent is withdrawn or can no longer be given, sexual activity must stop. "Consent" and "affirmative consent" may be used interchangeably under this Grievance Procedure.

Complainant means:

- a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in these procedures and who was participating or attempting to participate in SUNY Potsdam's Education Program or Activity; or
- a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this grievance procedure and who was participating or attempting to participate in SUNY Potsdam's Education Program or Activity at the time of the alleged Sex-Based Harassment.

A Complainant may also be referred to as a Reporting Individual in this Grievance Procedure, in alignment with New York State Education Law Article 129-B.

Complaint means an oral or written request to SUNY Potsdam that objectively can be understood as a request for SUNY Potsdam to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Confidential Employee means:

- an employee of SUNY Potsdam whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- an employee of SUNY Potsdam whom the recipient has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex-Based Harassment in connection with providing those services; or
- an employee of SUNY Potsdam who is conducting an Institutional Review Board approved human-subjects research study designed to gather information about Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

Disciplinary Sanctions means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated SUNY Potsdam's prohibition Sex-Based Harassment.

Education Program or Activity means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by SUNY Potsdam that receives Federal financial assistance.

Party means Complainant or Respondent.

Peer Retaliation means Retaliation by a Student against another Student.

Relevant means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person SUNY Potsdam identifies as having had their equal access to SUNY Potsdam's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to SUNY Potsdam's Education Program or Activity after determines that Sex-Based Harassment occurred.

Respondent means a person who is alleged to have violated SUNY Potsdam's prohibition on Sex-Based Harassment.

Retaliation means intimidation, threats, coercion, or discrimination by any person by SUNY Potsdam, a Student, or an employee or other person authorized by SUNY Potsdam to provide aid, benefit, or service under SUNY Potsdam's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure including an informal resolution process.

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

- Quid pro quo harassment. An employee, agent or other person authorized by SUNY Potsdam's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- Hostile Environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY Potsdam's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access SUNY Potsdam's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within SUNY Potsdam's Education Program or Activity, previous interactions and other factors about each Party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in SUNY Potsdam's Education Program or Activity;
- Sexual Assault (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;
- Dating Violence (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

- Domestic Violence means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of New York State or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York State or
- Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

Student means a person who has gained Admission.

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party's access to SUNY Potsdam's Education Program or Activity, including measures that are designed to protect the safety of the Parties or SUNY Potsdam's educational environment; or (2) provide support during SUNY Potsdam's grievance procedures for Sex-Based Harassment or during the informal resolution process.

Disability Accommodations

Generally

This procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator or designee at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator or designee will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure

If the Complainant or Respondent discloses a disability, the Title IX Coordinator or designee may consult, as appropriate, with the Office of Accommodative Services to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

Policy for Alcohol and/or Drug Use Amnesty

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

SUNY Potsdam's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Basic Requirements of the Grievance Procedure

SUNY Potsdam is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by SUNY Potsdam as a Title IX Coordinator or designee, investigator, or decisionmaker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;
- Ensure an objective evaluation of all evidence that is relevant and not otherwise impermissible under this Procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how SUNY Potsdam will determine which policies and procedures apply if not all such complaints are handled under this institutional Grievance Procedure.

Per New York State Law, SUNY Potsdam is also required to additionally ensure that Complainants are advised of their right to:

- Notify University Police, local law enforcement, and/or state police;
- Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated New York Penal Law should be addressed to law enforcement or to the district attorney, who shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the Complainant of other reporting options;
- Disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Complainants;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance, ensure that Complainants know that reports shall be investigated in accordance with this Grievance Procedure and/or any other institutional policies that may be

applicable, and ensure that a Complainant's identity will remain private at all times if said Complainant wishes to maintain privacy;

- Disclose, if the accused is an employee of SUNY Potsdam, the incident to SUNY Potsdam's Human Resources Department or the right to request that a confidential or private employee assist in reporting to the appropriate representative for the Human Resources Department, at which point, such referral shall be handled according to the appropriate policies and procedures related to employee complaints;
- Receive assistance from appropriate SUNY Potsdam representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from SUNY Potsdam's Grievance Procedure at any time.

Reporting Sex-Based Harassment Occurring Between Students to the Institution

Non-Confidential Reports

Any person may report sex discrimination, including Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or designee, or by any other means that results in the Title IX Coordinator or designee receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator at SUNY Potsdam:

Name: Dr. Jacqueline Richardson- Melesio

Title: Vice President, Chief Diversity officer, Title IX Coordinator

Office Address: Raymond Hall 713

Email Address: titleix@potsdam.edu

Telephone Number: 315-267-3082

Confidential Reports

The following officials at SUNY Potsdam will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All other employees at SUNY Potsdam that are not designated as confidential resources

The following officials at SUNY Potsdam and partner agency may provide confidentiality:

- College Counseling Center Staff
- Student Health Services Staff
- Renewal House Campus Advocate

There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to SUNY Potsdam.

Complainants are encouraged to additionally contact a campus confidential or private resource so that SUNY Potsdam can take appropriate action in these cases. Some resources for confidential disclosure NOT to the institution are:

- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).
 - SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
 - Legal Momentum: <https://www.legalmomentum.org/>;
 - NYSCASA: <https://nyscasa.org/responding>;
 - NYSCADV: <http://www.nyscadv.org/>;
 - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
 - GLBTQ Domestic Violence Project: <http://glbtqdv.org/>; ☑ RAINN: <https://www.rainn.org/get-help>; and ☑ Safe Horizons: <http://www.safehorizon.org/>.

Privacy vs. Confidentiality

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean SUNY Potsdam offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed 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 for tracking patterns and spotting systemic issues. SUNY Potsdam will limit the disclosure as much as practicable, even if the Title IX Coordinator or designee determines that the request for confidentiality cannot be honored.

At the First Instance of Disclosure of a Report

SUNY Potsdam shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a SUNY Potsdam representative, the following information shall be presented to the Complainant: "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."

Supportive and Interim Measures

Providing Supportive Measures

Complainants who report allegations of Sex-Based Harassment have the right to receive supportive measures from SUNY Potsdam regardless of whether they file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at SUNY Potsdam.

As appropriate, supportive measures may include without limitation:

- Counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services, as available;
- Restrictions on contact applied to one or more Parties (no contact orders);

- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Training and education programs related to Sex-Based Harassment;
- Assistance by SUNY Potsdam's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order.

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or SUNY Potsdam's educational environment, or to provide support during SUNY Potsdam's Sex-Based Harassment grievance procedures under this policy or during informal resolution under this procedure.

SUNY Potsdam may modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or may continue them beyond that point within SUNY Potsdam's discretion.

SUNY Potsdam will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to SUNY Potsdam's Education Program or Activity, or there is an exception that applies, such as:

- SUNY Potsdam has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in SUNY Potsdam's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Note on Orders of Protection and their equivalent:

SUNY Potsdam must provide a copy of the order of protection or equivalent when it is received by SUNY Potsdam, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator or designee, who can explain the order and answer questions about it, including information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from University Police in effecting an arrest when an individual violates an order of protection or call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

Process for Review of Supportive Measures

SUNY Potsdam provides for a Complainant or Respondent to seek modification or reversal of SUNY Potsdam's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

Request for a modification or reversal of a supportive measure must be timely and should be submitted within 3 business days. SUNY Potsdam will conduct a fact specific inquiry into timeliness.

This review will be conducted by an impartial employee of SUNY Potsdam who did not make the challenged decision on the original supportive measure request. The impartial employee of SUNY Potsdam who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

Emergency Removal

SUNY Potsdam retains the authority to remove a Respondent from all or part of SUNY Potsdam's Education Program or Activity on an emergency basis, where SUNY Potsdam (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

The Director of Student Conduct & Community Standards or designee may take action immediately to suspend a student from the College and remove the student from campus, when there is reasonable belief that the continued presence of such student would constitute a danger to the safety of persons or property. If SUNY Potsdam determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Any appeal must be made to the Dean of Students or designee.

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

Administrative Leave

SUNY Potsdam retains the authority to place a non-student employee Respondent on administrative leave during the Grievance Procedure, consistent with relevant employee handbook/collective bargaining agreements etc.

Note on student employees: when a Complainant or Respondent is both a student and an employee of SUNY Potsdam, SUNY Potsdam must make a fact-specific inquiry to determine whether this procedure applies to that student employee. SUNY Potsdam will consider if the Complainant or Respondent's primary relationship with SUNY Potsdam is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

The Title IX Grievance Procedure for Sex-Based Harassment Occurring Between Students

Filing a Complaint

Who can make a Complaint?

- A Complainant (as defined in Section VI(6) of this Grievance Procedure); or ☐ The Title IX Coordinator or designee.

Note on Title IX Coordinator or designee initiated Complaints: In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator or designee must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator or designee must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of SUNY Potsdam
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- Whether SUNY Potsdam could end the alleged Sex-Based Harassment and prevent its recurrence without initiating this Grievance Procedure.

If after considering these and other relevant factors, the Title IX Coordinator or designee determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents SUNY Potsdam from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator or designee may initiate a Complaint.

If the Title IX Coordinator or designee does initiate the Complaint after making this determination, the Title IX Coordinator or designee must notify the Complainant prior to doing so and appropriately address

reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of this Grievance Procedure.

Is there a particular format that the Complaint needs to be in?

As defined in VI(6) of this Grievance Procedure, a Complaint can be an oral or written request to SUNY Potsdam that objectively can be understood as a request for SUNY Potsdam to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Who can I report a Complaint to?

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator or designee, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

SUNY Potsdam requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of SUNY Potsdam or has responsibility for administrative leadership, teaching, or advising in SUNY Potsdam's Education Program or Activity must notify the Title IX Coordinator or designee when the employee has information about conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment.

All other employees at SUNY Potsdam who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator or designee when the employee has information about conduct that reasonably may constitute Sex-Discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment, under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

What is the timeframe for SUNY Potsdam to evaluate if the Title IX Coordinator or designee is initiating an investigation under this Grievance Procedure?

The Title IX Coordinator or designee must evaluate whether the Complaint falls under this Grievance Procedure 7 business days after the Complaint is made and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator or designee must appropriately notify the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. SUNY Potsdam has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process. Per New York state law, it is required that SUNY Potsdam's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Multi-Party Situations and Consolidation of Complaints

SUNY Potsdam may consolidate complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

SUNY Potsdam can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered sexual harassment.

Dismissal of a Complaint

Grounds for Dismissal

SUNY Potsdam may dismiss a complaint of Sex-Based Harassment for any of the following reasons:

- SUNY Potsdam is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in SUNY Potsdam's Education Program or Activity and is not employed by SUNY Potsdam
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator or designee declines to initiate a complaint of these procedures, and SUNY Potsdam determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex-Based Harassment under Title IX or this grievance procedure even if proven; or
- SUNY Potsdam determines that the conduct alleged in the complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: SUNY Potsdam must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

If SUNY Potsdam dismisses a complaint, SUNY Potsdam is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator or designee does not need to notify the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be notified of the complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then SUNY Potsdam must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a complaint, as included below under Appeal of Dismissals.

Appeals of Dismissals

SUNY Potsdam must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow SUNY Potsdam's own policy to a degree that had material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred, or dismissal of the complaint was made; and
- The Title IX Coordinator or designee, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then SUNY Potsdam must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities (if possible) remain available during the pendency of the appeal.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals may be no longer than two thousand five hundred (2,500) words or five (5) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a three-person panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator or designee, or hearing decisionmaker in the same matter. Outcome of appeal will be provided in writing simultaneously to both Parties and include rationale for the decision.

Notice of Allegations

Upon initiating SUNY Potsdam's Grievance Procedures, the Title IX Coordinator or designee shall provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after SUNY Potsdam receives a complaint, if there are no extenuating circumstances. SUNY Potsdam will provide the Notice of Allegations within 10 business days after receiving a complaint.

What does the Notice of Allegations Include?

The written Notice of Allegations must include:

- SUNY Potsdam's Grievance Procedures and SUNY Potsdam's Informal Resolution process;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedures, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to SUNY Potsdam ☐ A statement that the Parties are entitled to:

- o an equal opportunity to access the relevant and not otherwise impermissible evidence; or
- o an accurate description of the relevant and not otherwise impermissible evidence, with an equal opportunity for the Parties to access the underlying relevant and not otherwise impermissible evidence upon request of any Party;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of SUNY Potsdam’s Grievance Procedure and that prior to the determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- SUNY Potsdam’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during SUNY Potsdam’s Grievance Procedures; and
- If, in the course of an investigation, SUNY Potsdam decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, SUNY Potsdam is required to provide written notice of any additional allegations to the Parties whose identities are known.

What if SUNY Potsdam decides to investigate additional allegations of Sex-Based Harassment?

If, in the course of an investigation, SUNY Potsdam decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a complaint that is consolidated under this Grievance Procedure, SUNY Potsdam shall provide notice of the additional allegations to the Parties whose identities are known.

What if I have safety concerns about a Notice of Allegations being issued to a Respondent?

To the extent that SUNY Potsdam has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, SUNY Potsdam through the Title IX Coordinator or designee, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Advisor of Choice and Participation of Advisor of Choice

A Party’s advisor of choice may accompany the Party to any meeting or proceeding, and that SUNY Potsdam cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow SUNY Potsdam’s established rules of decorum and rules around participation.

Investigation

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

SUNY Potsdam and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from SUNY Potsdam and does not indicate responsibility.

SUNY Potsdam cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. SUNY Potsdam will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

Notice of Participation

SUNY Potsdam will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

Advisors of Choice and Participation of Advisors of Choice

SUNY Potsdam will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice. An advisor is any individual who provides the Victim/Survivor/Complainant or the Accused/Respondent/Referred Party with support, guidance, and/or advice. Both parties are permitted one advisor of their choosing to accompany them and assist them throughout the investigation and conduct process. An advisor may be a friend, parent, faculty, mentor, attorney, or any person they wish. The advisor will not be permitted to speak for them in the process or to have any role in the process other than to advise and assist them.

SUNY Potsdam has a long-standing practice of requiring students and employees to participate in the process directly and not through an advocate or representative. Individuals participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of SUNY Potsdam.

Potsdam will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Potsdam's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and SUNY Potsdam cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. SUNY Potsdam will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by SUNY Potsdam.

Expert and Character Witnesses

Parties may not present expert or character witnesses as part of an investigation.

Access to and Review of the Investigative Report

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with a reasonable opportunity to respond to the investigative report. Both Parties will have the opportunity to respond to the investigative report prior to the live hearing.

SUNY Potsdam will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to Student Community Rights and Responsibilities (Student Code of Conduct) and other SUNY Potsdam policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of sex-based discrimination and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to the live hearing.

SUNY Potsdam will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to SUNY Potsdam's Student Community Rights and Responsibilities (Student Code of Conduct) and other SUNY Potsdam policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Relevant Evidence

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this grievance procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by SUNY Potsdam to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless SUNY Potsdam obtains that Party's or witness's voluntary, written consent for use in SUNY Potsdam's Grievance Procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

Timeframes

The investigation process will be concluded within a reasonably prompt manner, and no longer than sixty (60) business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. If there are any delays or extensions, the Title IX Coordinator or designee must appropriately notify the Parties in writing, as detailed below.

Extensions and Delays

SUNY Potsdam allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

Live Hearing

General Rules for Live Hearings

SUNY Potsdam will not issue a finding or disciplinary sanction arising from an allegation of Sex-Based Harassment without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

The live hearing may be conducted with the Parties physically present in the same geographic location. SUNY Potsdam has the discretion to conduct the live hearing with the Parties physically present in separate locations, with technology enabling the decisionmaker and Parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.

SUNY Potsdam shall create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and SUNY Potsdam may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. SUNY Potsdam will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Parties shall be subject to SUNY Potsdam's rules of decorum:

<https://www.potsdam.edu/current/student-conduct-community-standards/rules-decorum>

The Decisionmaker

The hearing body will consist of a panel of 3 decisionmakers. No member of the hearing body will have served as the Title IX Coordinator or designee, Title IX investigator or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case. No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The hearing body will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decisionmaker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors of choice are subject to SUNY Potsdam's rules of decorum, and may be removed upon violation of those rules:

<https://www.potsdam.edu/current/student-conduct-community-standards/rules-decorum>

Witnesses

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation. Witnesses are subject to SUNY Potsdam's rules of decorum, and may be removed upon violation of those rules:

<https://www.potsdam.edu/current/student-conduct-community-standards/rules-decorum>

Hearing Procedures

For all live hearings conducted, the chair of the hearing panel will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

Questioning Parties and Witnesses

During a live hearing, each Party is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses through the decisionmaker OR the hearing board. No questioning to another Party or witness will be conducted by a Party personally.

Procedures for Decisionmaker's Evaluation of Questions and Limitation on Questions

The panel of 3 decisionmakers will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible.

If a panel of 3 decisionmakers determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The panel of 3 decisionmakers must give a Party an opportunity to clarify or revise a question that the panel of 3 decisionmakers has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question must be asked.

Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

A panel of 3 decisionmakers may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The panel of 3 decisionmakers must not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Continuances or Granting Extensions

SUNY Potsdam may determine that multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, SUNY Potsdam will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a Party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered at the live hearing.

The panel of 3 decisionmaker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the panel of 3 decisionmaker answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Determination Regarding Responsibility and Sanctioning

Standard of Proof

SUNY Potsdam uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedures occurred.

General Considerations for Evaluating Evidence and Testimony

The decisionmaker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Expert and Character Witnesses

Character or expert witnesses are not permitted in the hearing; a maximum of two (2) character letters or letters of reference may be submitted for consideration by the Hearing Board before the imposition of sanctions.

Communication of the Determination in Writing

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that SUNY Potsdam used to evaluate the allegations;
- The decisionmaker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;

- Any Disciplinary Sanctions SUNY Potsdam will impose on the Respondent, whether remedies other than the imposition of Disciplinary Sanctions will be provided by SUNY Potsdam to the Complainant, and, to the extent appropriate, other students identified by SUNY Potsdam to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- SUNY Potsdam's procedures for Complainant and Respondent to appeal.

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by SUNY Potsdam within 7 business days of the completion of the hearing.

Determination of Disciplinary Sanctions After a Finding of Responsibility

Per New York state law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.

In addition, each Party will have an opportunity to make an impact statement during the point of the proceeding where the decisionmaker is deliberating on appropriate sanctions.

Finality of Determination

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

Disclosures of Outcome by the Parties

The Complainant and Respondent have the right to choose whether to disclose or discuss the outcome of a conduct or judicial process related to sexual assault, dating violence, domestic violence, or stalking.

The Complainant and Respondent have 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.

Appeals

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within 7 business days of being notified of the decision, indicating the grounds for appeal.

For appeals resulting from dismissal of a complaint, please see the section on Dismissal of Complaints.

Grounds for Appeal

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal was made; and
- The Title IX Coordinator or designee, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
- A sanction imposed as a result of the original student conduct hearing that is significantly disproportionate to the severity of the offense for which the Respondent/Referred Party has

been found responsible may be appealed. Evidence must show that the sanction is inappropriate based on the infraction.

Additional Procedures for Appeal Process

SUNY Potsdam will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

Appeals may be no longer than two thousand five hundred (2,500) words or five (5) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes.

Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a panel of 3 decisionmakers, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator/designee, or hearing decisionmaker in the same matter.

Informal Resolution

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek SUNY Potsdam's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process. Informal resolution is not available for complaints of sexual assault, dating violence, domestic violence and/or stalking.

The Parties may voluntarily elect to enter the SUNY Potsdam's informal resolution process at any time through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and SUNY Potsdam may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator or designee will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that SexBased Harassment does not continue or recur within SUNY Potsdam's Education Program or Activity.

Notice Prior to Entry Into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator or designee must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume SUNY Potsdam's Grievance Procedures;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming SUNY Potsdam's Grievance Procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information SUNY Potsdam will maintain and whether and how SUNY Potsdam could disclose such information for use in its Grievance Procedures if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or other designated official must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution processes may never be applied where the allegations include Sexual Assault when penetration or the equivalent has been alleged.

Informal resolution may be available to address allegations of student-on-student Sex-Based Harassment but is not allowed to address allegations of employee-on-student Sex-Based Harassment.

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, SUNY Potsdam will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator or designee shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

Role of the Facilitator

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the decisionmakers in SUNY Potsdam's Grievance Procedures. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator or designee may serve as the facilitator, subject to these restrictions. If the Title IX Coordinator or designee is also the investigator, they would not be able to serve as a facilitator of informal resolution.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- SUNY Potsdam's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and SUNY Potsdam's response to sex discrimination;
- The rules and practices associated with SUNY Potsdam's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of SUNY Potsdam's education programs or activities or attendance at specific events, including restrictions SUNY Potsdam could have imposed as Remedies or Disciplinary Sanctions had SUNY Potsdam determined at the conclusion of the Grievance Procedures that Sex-Based Harassment occurred.

Breach of Informal Resolution Agreements

If a Party breaches the resolution or if SUNY Potsdam has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, SUNY Potsdam may void the agreement and initiate or resume the Grievance Procedures.

Confidentiality

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Procedure or institutional appeal.

Informal Resolution Options

SUNY Potsdam offers the following informal resolution procedures for addressing complaints of Sex-Based Harassment described under this Grievance Procedures:

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the complaint at any point during the informal resolution process, the institution may administratively resolve the complaint. Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and the decision-maker(s) will convene to determine the Respondent's sanction and other Remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including without limitation, the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and Remedies, which may be appealed according to the process described below.

Mediation

The purpose of mediation is for the Parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate Remedies to address them. Either Party can request mediation to seek resolution; mediation will be used only with the consent of both Parties, who will be asked not to contact one another during the process. SUNY Potsdam will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within 10 business days after SUNY Potsdam receives consent to mediate from both Parties and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either Party, the facilitator or the Office of Student Conduct and Community Standards. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Office of Student Conduct and Community Standards to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedures.

During mediation, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either Party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the Parties agree to meet face to face, each Party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Title IX Office will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Transcript Notations

For crimes of violence, including, without limitation, sexual violence, defined as crimes that meet the reporting requirements pursuant to the Clery Act (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)), SUNY Potsdam is required to make a notation on the transcript of a student found responsible for suspension or expulsion, per SUNY Potsdam's Transcript Notation Policy found in SUNY Potsdam's Code of Conduct (Student Community Rights and Responsibilities): [SUNY Potsdam Policy Handbook.pdf](#)

Retaliation

When SUNY Potsdam has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedures, SUNY Potsdam is obligated to initiate its Grievance Procedures or, as appropriate, SUNY Potsdam's informal resolution process.

SUNY Potsdam will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a complaint of Sex-Based Harassment or sex discrimination under SUNY Potsdam's Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under SUNY Potsdam's Title IX Grievance Procedures. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under SUNY Potsdam's Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or complaint of Sex-Based Harassment.

Complaints alleging Retaliation may be filed according to SUNY Potsdam's Grievance Procedures for Sex Discrimination: <https://www.potsdam.edu/about/safety/title-ix/policiesprocedures>

Student Conduct Process in Cases Involving Sexual Misconduct (Non-Title IX)

Victims/Survivors/Reporting Individuals have the right to request that student conduct charges be filed against the Accused/Respondent. Conduct proceedings are governed by the procedures set forth in the Community Rights & Responsibilities 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, both parties of the complaint will have:

- 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. Advisors may not address the Student Conduct Hearing Board during a disciplinary hearing but

may speak privately with the advisee during the proceedings. Participation of the advisor in any proceedings is governed by federal law and the SUNY Potsdam Student Code of Conduct.

- The right to a prompt response to any complaint. SUNY Potsdam will conduct timely reviews of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time requirements detailed below may be extended for good cause as determined by the Title IX Coordinator or the Chief Student Affairs Officer, or a designee of either of those individuals. Both parties will be notified in writing of the delay, the reason for delay, and provide the date of the new deadline or event. Extensions requested by one party will not be longer than five (5) business/school days. With respect to timing, parties should take notice of the following:
 - The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within seven (7) days of receipt of the complaint.
 - The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, will usually be completed within forty (40) days of receipt of the complaint.
 - Results of the complaint, via either a formal hearing or waiver of hearing will typically be issued within sixty (60) days of receipt of the complaint, or, if longer, within a prompt and timely manner.
 - Appeals for cases of sexual misconduct will be conducted as per the procedures described in "Appeals of Cases of Sexual Misconduct".
- The right to have their complaint investigated and adjudicated in an impartial and thorough manner 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 assault, domestic violence, dating violence, and stalking.
- 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.
- 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.
- 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 ten (10) days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Potsdam).
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing, or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own 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.

- 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
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the Accused/Respondent 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.
- Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- 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 (5) years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- 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.
- Evidence to be presented by either party during any hearing on the charges must be submitted to the Director of Student Conduct and Community Standards at least two (2) business days in advance of the scheduled hearing. This evidence will be shared with the opposing party. The Student Conduct Hearing Board may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The Director of Student Conduct and Community Standards or the Student Conduct Hearing Board will make the final decision related to the admissibility of all evidence.

Temporary and Administrative Directives

When the Accused/Respondent is a student, the College may issue a “No Contact Order” meaning that continuing to contact the protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney), is a violation of College policy subject to additional conduct charges; if both parties of the complaint observe each other in a public place, it is the responsibility of the Accused/Respondent to leave the area immediately and without directly contacting the protected person. Additional information can be found at: <https://www.potsdam.edu/about/safety/title-ix/no-contact-orders>

When the Accused/Respondent is a student and presents a continuing threat to the health and safety of the community, they may be subject to a temporary suspension pending the outcome of the student conduct process.

Both parties in the complaint shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any Administrative Directives and/or Temporary Directives. Both parties in the complaint shall be allowed to submit evidence in support of their request.

The request for review must be submitted in writing to the Director of Student Conduct and Community Standards (by email: StudentConduct@potsdam.edu or in person to the Student Conduct Office) within two (2) calendar days of the imposition of Temporary and/or Administrative Directives.

The College may establish an appropriate schedule for the Accused/Respondent to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the Victim/Survivor/Reporting Individual.

A Plain Language Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes

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	Criminal Justice System	College/University Disciplinary System
Goals.	Public safety, deterrence, and punishment.	Education; safety; safe and supportive campus environment.
Governing Law.	New York State Penal Code; New York State Rules of Criminal Procedure (or another state's rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.	Title IX; The Clery Act as amended by the Violence Against Women Act; NYS Education Law sections 129-A and 129-B. More specific rules govern particular colleges and universities.
How to report and whether there must be action once a report is made.	Crimes involving sexual violence may be reported to campus police (if the campus has police officers), the local police agency, or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury.	Victims may disclose sexual violence to various college employees who are designated confidential resources or to others who will try to ensure privacy to the extent consistent with the institution's obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator (TIXC) or another Non-Confidential resource, the TIXC will determine whether an investigation is necessary by weighing a request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community.
Who investigates?	Police or other law enforcement officials.	Investigators employed or retained by the college or university; these individuals may work for different departments within the institution, including, but not limited to, the police/public safety department, student affairs and academic affairs.
Procedures	See Governing Law. Procedures established by police departments, prosecutors' offices, etc.	College/University policies and Bylaws, which generally incorporate requirements of Governing Law. Collective bargaining agreements may impact some procedures.
Standard of Evidence.	Crimes must be proven "Beyond a Reasonable Doubt"	A violation of disciplinary rules must be found by a "Preponderance of the Evidence" (more likely than not)
Confidentiality.	Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.	Colleges and universities offer confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved.

Privacy.	Criminal trials must be public.	Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the college, the parties, and pursuant to law.
Who are the parties?	The prosecution and defendant. The victim/survivor is <u>not</u> a party, but often the critical witness for the prosecution.	Varies by school—some consider the institution and the respondent to be parties, and confer on the reporting individual certain rights to participate, as the law provides. Otherwise, reporting individual and accused/respondent.
Participation in the process.	In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual’s participation, it is generally more difficult to prove a crime beyond a reasonable doubt.	Reporting students cannot be required to participate in the college process. However, a college will be limited in its ability to respond if a reporting individual does not participate.
Who initiates the proceedings?	A prosecutor, acting on behalf of the state (or the United States in federal cases).	The college or university initiates proceedings. While rules vary from school to school, they most provide an active role for the reporting individual.
Testimony.	In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.	The rules are established by individual colleges and universities, but some institutions provide for alternative approaches that permit students to testify without having other parties in the room and/or to ask cross-examination questions only through the disciplinary panel, investigator, or representative of the reporting individual and/or respondent.
Role of attorneys.	Both the state and the defendant are represented by counsel; counsel may question witnesses.	Varies by school. Many permit the parties to be advised by attorneys but some limit the attorney’s roles to quietly speaking with their clients or passing notes.
Mental Health and Sexual History.	In New York, a reporting individual’s prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.	Generally not admissible, but subject to quite limited exceptions. Education Law 129-b permits parties to exclude information about their prior sexual history with persons other than the other party and also to exclude evidence of their own mental health history in the fact finding phase of the disciplinary process.
Possible Results.	If a prosecution takes place, the defendant may <ul style="list-style-type: none"> • plead guilty or “no contest” • have the case dismissed by the judge (on legal grounds) • be found “guilty” or “not guilty” by a judge or jury 	In cases that do not involve sexual assault, some schools permit mediation or similar procedures if parties agree. If there is a formal proceeding, the respondent may be found “responsible” or “not responsible” for violations of the institution’s rules. Respondents may also accept responsibility before a finding by an adjudicator.
Sanctions.	An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.	An individual found responsible for violating college policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from the institution.

Definition of Offenses

Offenses in Campus Crime Reporting use the Federal Uniform Crime Reporting Part 1 Offenses and their related definitions and classifications. These offenses are:

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
A Class C, B, or A felony.

Criminal Homicide - Manslaughter by Negligence – The killing of another person through gross negligence. A Class E felony.

Criminal Homicide - Murder and Non-negligent Manslaughter – The willful (non-negligent) killing of one human being by another. A Class A felony.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
All robberies are felonies.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
A Class B felony.

Burglary – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
A Class C or B felony.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
These are felonies.

Weapon Law Violations – The violation 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.
Are misdemeanors or felonies.

Drug Abuse Violations – Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).
Are misdemeanors or felonies.

Liquor Law Violations – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Are misdemeanors or felonies.

Hate Crime – Also known as a bias crime, a hate crime is a criminal offense committed against a person, property or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation or ethnicity/national origin.

Are misdemeanors or felonies.

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.

Dating Violence – Any act of violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with the survivor. The existence of such a relationship shall be determined based on the survivor'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. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

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

Stalking – Means intentionally engaging in a course of conduct, 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. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

New York State Law Regarding Sex Offenses

The following represent all sections of the New York State Penal law, which are sex offenses:

Sec. 120.45 Stalking in the Fourth Degree

A person is guilty of stalking in the fourth degree when he or she 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 the 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.

Stalking in the fourth degree is a class B misdemeanor.

Sec. 120.50 Stalking in the Third Degree

A person is guilty of stalking in the third degree when he or she:

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.

Stalking in the third degree is a class A misdemeanor.

Sec. 120.55 Stalking in the Second Degree

A person is guilty of stalking in the second degree when he or she:

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, chukka stick, sand bag, sandclub, slingshot, 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.

Stalking in the second degree is a class E felony.

Sec. 120.60 Stalking in the First Degree

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in sub-division three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or
2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

Sec. 130.20 Sexual Misconduct

A person is guilty of sexual misconduct when:

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

Sexual misconduct is a class A misdemeanor.

Sec. 130.25 Rape in the third degree

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

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

Rape in the third degree is a class E felony.

Sec. 130.30 Rape in the second degree

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

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old.
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.
Rape in the second degree is a class D felony.

Sec. 130.35 Rape in the first degree

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

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

Rape in the first degree is a class B felony.

Sec. 130.40 Criminal Sexual Act in the third degree

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

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

Criminal Sexual Act in the third degree is a class E felony.

Sec. 130.45 Criminal Sexual Act in the second degree

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

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the second degree is a class D felony.

Sec. 130.50 Criminal Sexual Act in the first degree

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

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

Criminal Sexual Act in the first degree is a class B felony.

Sec. 130.52 Forcible Touching

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

Forcible touching is a Class A misdemeanor.

Sec. 130.53 Persistent Sexual Abuse

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

Persistent sexual abuse is a class E felony.

Sec. 130.55 Sexual Abuse in the third degree

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that

1. such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old; and
2. such other person was more than fourteen years old; and
3. the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

Sec. 130.60 Sexual Abuse in the second degree

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

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

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

Sec. 130.65 Sexual Abuse in the first degree

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

1. by forcible compulsion, 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.

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

Sec. 130.65 – Aggravated Sexual Abuse in the fourth degree

1. A person is guilty of aggravated sexual abuse in the fourth degree when:
 - a) he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

- b) he or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

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

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

Sec. 130.66 Aggravated Sexual Abuse in the third degree

1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

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

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

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

Sec. 130.67 Aggravated Sexual Abuse in the second degree

1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:

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

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

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

Sec. 130.70 Aggravated Sexual Abuse in the first degree

1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

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

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

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

Sec 130.75 Course of Sexual Conduct against a child in the first degree

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

- a) He or she 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 conduct, with a child less than eleven years old; or
- b) He or she, being eighteen years or more old, engages in two or more acts of sexual conduct which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the first degree is a class B felony.

Sec. 130.80 Course of Sexual Conduct against a child in the second degree

1. A person is guilty of sexual conduct against a child in the second degree when, over a period of time not less than three months:
 - a) The person engages in two or more acts of sexual conduct with a child less than eleven years old; or
 - b) being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside of the time period charged under this section.

Course of sexual conduct against a child in the second degree is a class D felony.

Sec. 130.85 Female Genital Mutilation

1. A person is guilty of female genital mutilation when:
 - a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
 - b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.
2. Such circumcision, excision or infibulation is not a violation of this section if such act is:
 - a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
 - b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a Class E felony.

Sec. 130.90 Facilitating a Sexual 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.

Facilitating a sexual offense with a controlled substance is a Class D felony.

Sec. 130.91 Sexually Motivated Felony

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.
2. A “specified offense” is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

Sec. 130.95 Predatory Sexual Assault

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:
 - a. Causes serious physical injury to the victim of such crime; or
 - b. Uses or threatens the immediate use of a dangerous instrument; or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or
3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

Predatory sexual assault is a Class A-II felony.

Sec. 130.96 Predatory Sexual Assault Against a Child

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

Predatory sexual assault against a child is a Class A-II felony.

Sec. 255.25 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.

Sec. 255.26 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.

Sec. 255.27 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.

Reported Clery Crime and Arrest Statistics SUNY Potsdam

	2021	2022	2023
Reported Crimes			
Murder/Non-Negligent Manslaughter	0	1	0
Negligent Manslaughter	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	2	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Rape	4	1	0
Fondling	7	1	1
Incest	0	0	0
Statutory Rape	0	0	0
Dating Violence	0	0	13
Domestic Violence	0	9	0
Stalking	4	1	1
Hate Crimes	3	1	1
Arrests			
Weapons	0	0	0
Drugs	0	1	0
Liquor Law	2	2	1
Campus Disciplinary Referrals			
Weapons	0	0	0
Drug Law Violation	2	11	0
Liquor Law Violation	35	10	19

FBI Index Crimes (including hate crimes)

Criminal Offense	On-Campus (includes residence halls)			On-Campus Student Housing Only			Non-Campus Buildings			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	1	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	4	4	0	3	4	0	0	0	0	0	1	1
Fondling	7	2	1	0	2	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	2	0	0	2	0	0	0	0	0	0	1	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	1	0
Arson	0	0	1	0	0	1	0	0	0	0	0	0

Arrests	On-campus Arrests (includes on-campus student housing)			Arrests – On-campus Student Housing Only			Arrest – Non-Campus			Arrest – Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Illegal Weapons possession violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	14	8	0

Campus Disciplinary Actions	Student Conduct Referrals On Campus			Student Conduct Referrals On Campus Student Housing			Student conduct Referrals Non-Campus			Student Conduct Referrals Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	1	0
Drug Law Violations	2	6	0	2	5	0	0	0	0	0	0	0
Liquor Law Violations	35	8	18	30	2	18	0	0	0	0	1	1

Criminal Offense	On-Campus (includes residence halls)			On-Campus Student Housing Only			Non-Campus Buildings			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Domestic Violence	0	1	0	0	0	2	0	0	0	0	0	0
Dating Violence	0	11	2	0	10	0	0	0	0	0	0	0
Stalking	4	1	1	0	0	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, REL=Religion, SO=Sexual Orientation, NO=National Origin, GI=Gender Identity, and/or E=Ethnicity. In addition to the criminal offenses listed on the chart, the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, vandalism of property: making graffiti; or any other crime involving bodily injury.

In 2021 there were three Hate Crime Larcenies on campus all under Religion

In 2022 there was one Hate Crime, criminal mischief reported in Morey Hall (Swastika carved into a corkboard).

In 2023 there was one Hate Crime, criminal mischief in Bishop Hall (derogatory hate speech carved into an office door above a rainbow sticker).



Fire Safety

The University Police at SUNY Potsdam maintains a “fire log” which is available at any time for inspection by students, faculty and staff, at the University Police office, located in the Van Housen Hall Extension, first floor. Following is a chart of fires, which occurred in campus residence halls during 2019, 2020, and 2021. Please note that the crime of arson may also be reported in our criminal statistic section of this report. We define a fire as “any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”.

Residence Hall Fires Reported

Year	Location	Type/Cause	Number of Related Injuries treated at a Medical Facility	Related Deaths	Property Damaged	Value of Property Damaged
2021	None					
2022	Town House c-3	Kitchen/oven fire	0	0	None	N/A
2023	None					

In an effort to maintain safe and enjoyable residence halls, the following items are prohibited:

- Candles and Incense
- Space Heaters
- E-Cigarettes
- Sun/Heat Lamps
- Halogen & floor lamps with multicolored domes
- Refrigerators exceeding 4 cubic feet
- Any extension cords
- Any electrical cooking appliance such as hot pots, Foreman grills, toaster ovens
- Potpourri pots
- Electric coils
- Lava lamps
- Window Air conditioners
- Charcoal and lighter fluid
- Any flammable liquid
- Electric percolators and drip coffee pots
- Any flammable materials, chemicals including those used in campus laboratories, explosives including fireworks
- Any type of firearm including BB guns and paintball devices and other weapons
- Tapestries or wall hangings made of fabric
- Internal combustion engines

Smoking and vaping is not permitted on campus.

Falsely activating a fire alarm or tampering in any way with any fire safety equipment is a serious crime and violation of SUNY Potsdam policy.

New York State Law Regarding Falsely Reporting an Incident

The following statutes are applicable:

PL240.50 Falsely Reporting an Incident in the third degree.

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed, or circulated to be false or baseless, he or she:

1. Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a crime, catastrophe or emergency under circumstances in which it is not unlikely that public alarm or inconvenience will result: or
2. Reports, by word or action, to an official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a catastrophe or emergency which did not in fact exist; or
3. Gratuitously reports to a law enforcement officer or agency (a) the alleged occurrence of an offense or incident which did not in fact occur; or (b) an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or (c) false information relating to an actual offense or incident or to the alleged implication of some person therein; or
4. Reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment or abuse or neglect of a vulnerable person which did not in fact occur or exist to:
 - a. The statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law or the vulnerable persons' central register as defined in article eleven of such law, or
 - b. Any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section four hundred thirteen of the social services law or to report cases of suspected abuse or neglect of a vulnerable person pursuant to section four hundred ninety-one of such law, knowing that the person is required to report such cases, and with intent that such an alleged occurrence be reported to the statewide central register or vulnerable persons' central register.

Falsely reporting an incident in the third degree is a class A Misdemeanor.

PL240.55 Falsely Reporting an Incident in the second degree.

A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she;

1. Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, or the release of a hazardous substance under circumstances in which it is not unlikely that public alarm or inconvenience will result.

Falsely reporting an incident in the second degree is a Class E felony.

PL145.14 Criminal Tampering in the third degree.

A person is guilty of criminal tampering in the third degree when, having no right to do so nor any reasonable ground to believe that he has such right, he tampers with property or another person with intent to cause substantial inconvenience to such person or to a third person.

Criminal tampering in the third degree is a Class B misdemeanor.

For further information on residence hall rules and regulations, please visit:

www.potsdam.edu/studentlife/ResHalls/ that describes Residence Hall Policies.

The following offices may receive reports of fire/safety concerns on campus:

- University Police: Van Housen Extension, (315) 267-2222
- Environmental Health and Safety Officer: Service Center, (315) 267-2596
- Dean of Students: Barrington Student Union, (315) 267-2117
- Residence Life Staff: Draime Extension, (315) 267-2350
- Physical Plant: Raymond Hall, (315) 267-2135

Fire Safety Education and Training

The University Police, Residence Life Staff and Environmental Health and Safety Office work closely together to ensure safety. Fire drills are regularly conducted and coordinated with the Potsdam Volunteer Fire Department. The New York State Office of Fire Prevention and Control trains Residence Life staff each year. At the beginning of each semester, Residence Life staff also train to evacuate their buildings and manage door access. Floor meetings are held on each floor in each residence hall to review fire safety and evacuation procedures.

We maintain compliance with the New York State Fire Code with respect to our drills. There is a periodic review of our fire safety procedures with Resident Assistants and Resident Directors within the residence halls. We also maintain our sprinkler, fire alarm and smoke detection systems by having trained and competent personnel inspect and test the systems. Residence Life staff periodically inspect rooms for hazardous or dangerous conditions.

In the fall of 2023, the SUNY Potsdam office of Environmental Health and Safety conducted a “Campus Safety Days” presentation on campus. This included a mock dorm room burn in the Student Union Quad as well as speakers and other safety presentations regarding fire safety. Fire Extinguisher training and fire alarm training were held in 2023 as well.

We passed our New York State Office of Fire Prevention and Control inspection in 2021, 2022, and 2023, and were not assessed any penalties. During scheduled significant breaks, rooms are inspected for safety. Illegal or dangerous items are confiscated, and students may face penalties.

All University employees should receive initial fire safety training and are expected to familiarize themselves with evacuation plans for buildings they occupy.

Emergency Evacuation

Evacuation procedures are posted in each building. Special procedures are in place for evacuating members of the college community with disabilities.

Students residing in the residence halls are trained to leave the building immediately and not to use elevators.

Staff and students are trained to assemble at specifically designated assembly points.

Staff members are required to assist students as well as the University Police and Potsdam Volunteer Fire Department in complying with safety protocols.

In 2021, all required fire drills were held; they included drills in residence halls, academic buildings, and in public assembly areas. Monthly drills were also held for SUNY Potsdam Childcare Center requirements.

More information can be found by contacting the University Environmental Health and Safety Office 315-267-2596.

The following table describes fire safety systems located in the Residence Hall facilities on the SUNY Potsdam campus:

<h2 style="text-align: center;">Fire Safety Systems</h2> <h3 style="text-align: center;">Student Housing Facilities</h3>						
Building	Assembly Space	Detection Type	Sprinkler System (Y/N)	Fire Suppression System (Y/N)	Fire Alarm Sound	Strobe Lights (Y/N)
Bowman Hall	Bowman South Breezeway	Heat/Smoke	Y - West Side has sprinklers in each room. Remainder of dorm has sprinklers in trash rooms, basement storage rooms and kitchen areas only.	Y – In dining areas, over grill locations	Horn	Y -In Hallways and Common Areas. Also in Handicap Rooms.
Draime Hall	Main entrance (by the rock) facing the Student Union	Heat/Smoke	Y – Sprinklers are located in trash rooms and kitchen areas only.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Knowles Hall	In front of the Knowles MPR entrance inside the Quad	Heat/Smoke	Y - Sprinklers are located in trash rooms, basement storerooms and kitchen areas only.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Lehman Hall	Entry Way by the Dining Hall inside the Quad	Heat/Smoke	Y - Sprinklers are located in trash rooms,	Y – In dining areas, over grill locations	Horn	Y - In Hallways and Common

			basement storerooms and kitchen areas only.			Areas. Also in Handicap Rooms.
Sisson Hall	On the sidewalk, Quad Side, between Sisson and the Student Union	Heat/Smoke	Y - Sprinklers are in trash rooms and kitchen areas only.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Town House A	Town House E, by the Laundry Room	Heat/Smoke	Y – Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House B	Town House E, by the Laundry Room	Heat/Smoke	Y – Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House C	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House D	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House E	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House F	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House G	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.

Town House H	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House I	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Town House J	Town House E, by the Laundry Room	Heat/Smoke	Y - Sprinklers located in every room.	N	Horn	Y - In Hallways and Common Areas.
Van Housen Hall	Main Entrance, Quad Side, by Student Health and Counseling	Heat/Smoke	Y - Sprinklers are in trash rooms and kitchen areas only.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.

“Whistleblower” Protection

HEOA states that nothing in the law “... shall be construed to permit an institution to take retaliatory action against anyone with respect to the implementation of any provision of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.”

SUNY Potsdam
CRIMINAL INCIDENT REPORT

1. Prepared by:

Name _____

Title _____

Date _____

2. Was this crime reported to any Law Enforcement Agency? Yes No

If "Yes," to which agency: SUNY Potsdam University Police
 Potsdam Village Police Department
 Other

3. Does the Reporter wish to file a formal complaint? Yes No

If "Yes":

Name _____

Address _____

Phone _____

4. A) The following crime was reported (please check):

- | | | |
|---|--|--|
| <input type="checkbox"/> Murder | <input type="checkbox"/> Aggravated Assault | <input type="checkbox"/> Robbery |
| <input type="checkbox"/> Non-Negligent Manslaughter | <input type="checkbox"/> Burglary | <input type="checkbox"/> Hate Crimes |
| <input type="checkbox"/> Negligent Manslaughter | <input type="checkbox"/> Motor Vehicle Theft | <input type="checkbox"/> Dating Violence |
| <input type="checkbox"/> Rape | <input type="checkbox"/> Arson | <input type="checkbox"/> Domestic Violence |
| <input type="checkbox"/> Fondling | <input type="checkbox"/> Liquor Law Violations | <input type="checkbox"/> Stalking |
| <input type="checkbox"/> Incest | <input type="checkbox"/> Drug Law Violations | |
| <input type="checkbox"/> Statutory Rape | <input type="checkbox"/> Weapon Law Violations | |

Note: Definitions for each of the above on reverse of this form.

B) Was the crime reported a hate crime? Yes No

If "Yes," identify the category of prejudice:

- | | | | |
|-----------------------------------|-------------------------------------|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Ethnicity | <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Disability | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender |

Please provide a brief explanation for this determination:

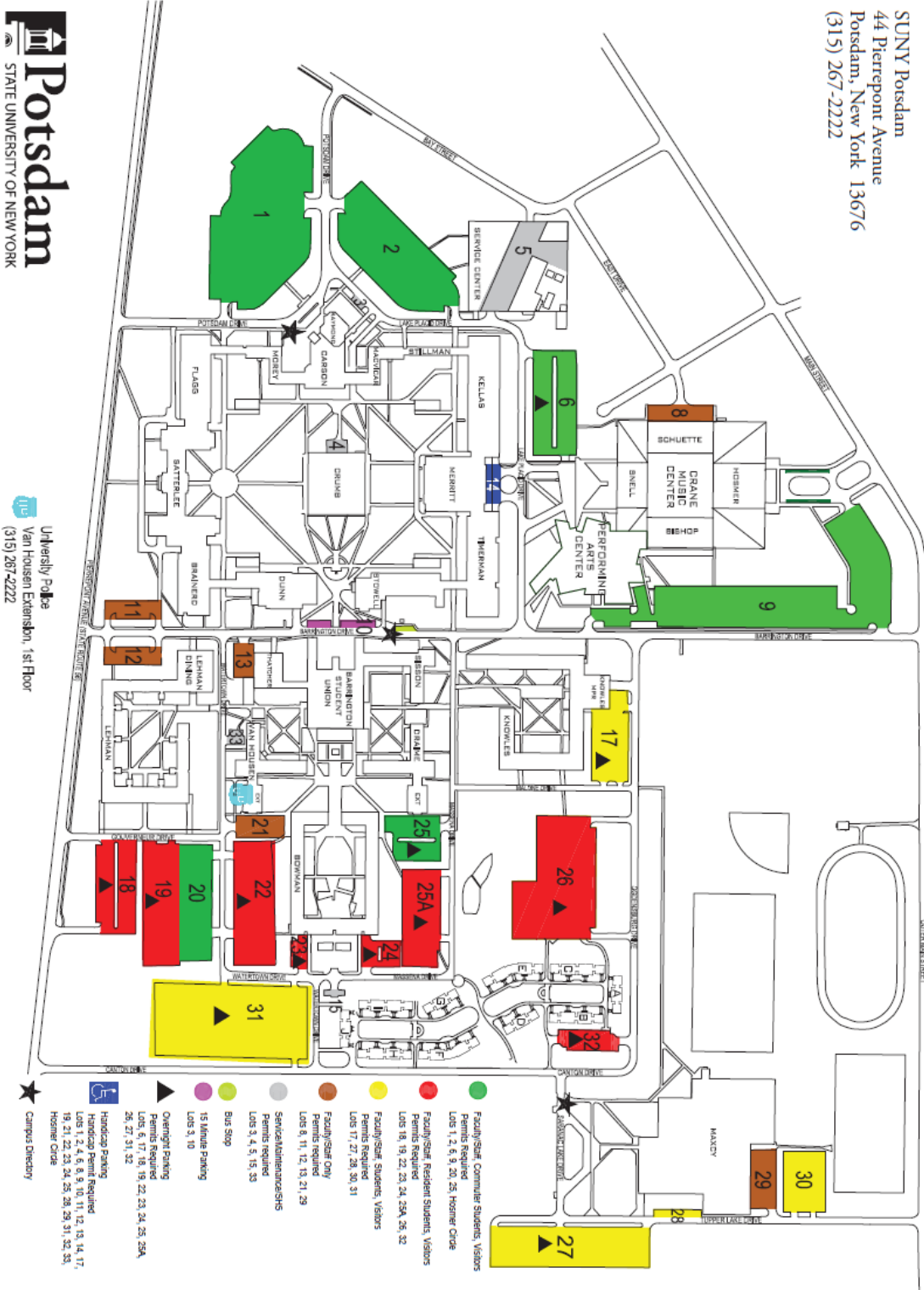
5. A) Crime occurred: Date _____ Time _____

Location _____

B) Give a brief description of the incident:

Please forward completed form to: Chief of University Police, Van Housen Ext., First Floor

UNIVERSITY POLICE
 SUNY Potsdam
 44 Pierrepont Avenue
 Potsdam, New York 13676
 (315) 267-2222



University Police
 Van Housen Extension, 1st Floor
 (315) 267-2222

State University of New York at Potsdam Workplace Policies

Drug and Alcohol-Free Workplace Policy

SUNY Potsdam is committed to the development and maintenance of a Drug and Alcohol-Free work environment and, in accordance with the Federal Drug Free Workplace Act of 1988 and the State Policy on Alcohol and Controlled Substances in the Workplace, will not tolerate the unlawful possession or use of controlled substances or the on-the-job use or impairment from alcohol in the workplace. Compliance with the provisions of this Policy is a condition of employment with SUNY Potsdam.

SUNY Potsdam employees are subject to the following:

1. The term "controlled substance" means a controlled substance in Schedules 1 through V of Section 202 of the Federal Controlled Substance Act (21 USC 812).
2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee in all SUNY Potsdam work locations is prohibited. An employee may possess and use a controlled substance which is properly prescribed for him or her by a medical practitioner.
3. On-the-job use of or impairment from alcohol by an employee in all SUNY Potsdam work locations is prohibited.
4. An employee who unlawfully manufactures, distributes, dispenses, possesses or used controlled substances in the workplace will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
5. An employee who uses alcohol on the job or is impaired from the use of alcohol in the performance of the job will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
6. An employee convicted of a drug or alcohol related criminal statute violation occurring in or on property owned or controlled by SUNY Potsdam is required to give a signed written notice of the conviction to the Chief of University Police within five (5) calendar days following the conviction.
7. SUNY Potsdam will notify the appropriate federal agencies, if applicable, within ten (10) days of receipt of a notice of an employee drug conviction.
8. SUNY Potsdam will make every effort to maintain a drug and alcohol-free workplace. This effort will include drug and alcohol awareness education, an employee assistance program and the implementation and strict enforcement of this Policy.

State University of New York at Potsdam Domestic Violence and the Workplace Policy

Original Issue Date: June 24, 2008, Revision Dates: September 10, 2013; October 20, 2017

Policy Statement

Domestic violence permeates the lives and compromises the safety of thousands of New York State employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals, it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

SUNY Potsdam, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations or collective bargaining agreements, will take all appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

Definitions

For purposes of this policy, the following terms will be defined as stated below:

Domestic Violence – A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. [Title IX Definition of Domestic Violence: Any violent 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.]

Intimate Partner – Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationship, including but not limited to, couples who live together or have lived together, or persons who are dating or who have dated in the past, including same sex couples.

Abuser – A person who perpetrates a pattern of coercive tactics, which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim – The person against whom an abuser directs coercive and/or violent acts.

Guidelines

I. Employee Awareness

SUNY Potsdam shall take all reasonable actions to educate employees regarding the effects of domestic violence, ways to prevent and curtail violence, and methods to report such violence to authorities.

It is the policy of SUNY Potsdam that information on domestic violence and available resources shall be posted and, if necessary, replaced or reposted annually in areas where other employment policies and information are traditionally posted. This information shall include the topics addressed in the appendix.

II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

SUNY Potsdam shall ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

- a. New York State law makes it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. This law requires employers, with prior day notification, to allow time off for victims or subpoenaed witnesses to exercise his/her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, contact the Associate Vice President or Director of Human Resources Operations or the Attendance and Leave Unit at the Department of Civil Service.
- b. SUNY Potsdam, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, SUNY Potsdam will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- c. SUNY Potsdam understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. Therefore, the Associate Vice President or Director of Human Resources Operations will consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer. Because there are confidentiality issues associated with the submission of documentation in these instances, SUNY Potsdam may choose to consult with the Attendance and Leave Unit at the Department of Civil Service when questions arise.
- d. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
- e. New York State has established that victims of domestic violence are now a protected class in the employment provisions of the NYS Human Rights Law. This law prevents an employer from firing or refusing to hire any individual based on their status as a victim of domestic violence and prevents discrimination in compensation or in the terms, conditions or privileges of employment. SUNY Potsdam will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.
- f. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation. SUNY Potsdam shall utilize all reasonable available options to resolve work-related performance problems, and

may make a referral to the Employee Assistance Program, consistent with existing collective bargaining unit agreements, statute, regulations and agency policy.

- g. If reasonable measures have been taken to resolve domestic violence-related work performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment due to these domestic violence related issues, and the employee conveys to SUNY Potsdam that the separation is due to these domestic violence issues, SUNY Potsdam shall inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]
- h. Additional information may be found here:
<https://www.labor.ny.gov/ui/claimantinfo/domesticviolenceanduibenefits.shtm>

III. Workplace Safety Plans

By means of a domestic violence workplace safety response plan, SUNY Potsdam shall make employees aware of their options and available resources and help employees safeguard each other and report domestic violence to designated officials.

- a. The designated liaison between SUNY Potsdam and SUNY System Administration is the Associate Vice President or Director of Human Resources Operations. This liaison will ensure campus wide implementation of this policy and serve as the primary liaison with System Administration regarding this policy. Bi-annual reporting to SUNY System Administration and OPDV is completed by the College's Domestic Violence Liaison/Title IX Coordinator.
- b. The following individuals/offices are also designated as available to support those in need of assistance concerning domestic violence: Domestic Violence Liaison/Title IX Coordinator (315) 267-2516, Employee Assistance Program (315) 267-3434, and/or Renewal House On-Campus Advocate (315) 379-9845 [Wednesdays 9 a.m. to 5 p.m. VanHousen Ext. 390].
- c. SUNY Potsdam shall comply and assist with enforcement of all known valid court orders of protection (OP) that are brought to the attention of SUNY Potsdam, particularly orders in which abusers have been ordered to stay away from the work site. In compliance with Federal and State Law, if requested by the victim of domestic violence or law enforcement, SUNY Potsdam shall provide information in its possession concerning an alleged violation of an OP.

Employees are encouraged to bring their OP to the attention of the Associate Vice President or Director of Human Resources Operations. Once the OP has been brought forward, it will be kept in a locked filing cabinet in the Human Resources office, accessible only to the Associate Vice President and Director of Human Resources Operations. In the case of a workplace emergency requiring the presentation of the OP to law enforcement, if the Associate Vice President is unavailable to obtain the document, the Director of Human Resources Operations will have access to the cabinet where the document is locked.

The Associate Vice President or Director of Human Resources Operations will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include: providing a copy of the OP and/or photo of the perpetrator to University Police; identifying supervisors or colleagues who would be able to assist with the identification of the perpetrator; or developing a workplace safety plan. Workplace safety plans may include but are not limited to, advising co-workers and, upon request, the employee's bargaining representative, of the

situation; setting up procedures for alerting University Police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to University Police. SUNY Potsdam will address any additional concerns raised by a situation in which both the victim and offender are employed by SUNY Potsdam.

The employee is responsible for notifying the Associate Vice President or Director of Human Resources Operations if there are any changes to the OP.

- d. SUNY Potsdam maintains a Workplace Violence Policy, which includes procedures for contacting University Police and possibly other appropriate law enforcement agencies, and which provides employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior.
- e. SUNY Potsdam will discuss with a known victim of domestic violence the limitations on confidentiality under New York State Law (See Section VII [h]; NYS Agencies Responsibility d – g).
- f. This policy shall be reviewed annually. Any substantive policy revisions and updates shall be forwarded to SUNY System Wide Affirmative Action Officer.

V. Accountability for Employees Who Are Offenders

SUNY Potsdam will hold employees accountable for engaging in the following behavior: (1) using state resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location while on official state business; or (3) using their job-related authority and/or state resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

- a. In cases in which SUNY Potsdam has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using state resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee may be subject to corrective or disciplinary action in accordance with existing collective bargaining unit agreements, statutes and regulations.
- b. In cases in which SUNY Potsdam has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, SUNY Potsdam shall determine if corrective action is warranted, in accordance with existing collective bargaining unit agreements, statutes and regulations.
- c. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee may be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes and regulations.

V. Firearms

Pursuant to New York State and federal law, a person convicted of a domestic violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

- a. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify the campus if they are arrested on a domestic violence-related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the firearm-issuing agency or to the appropriate police agency.
- b. Should an employee fail to comply with the requirements set forth in V. a., said employee may be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statute or regulations. In addition, the appropriate law enforcement agency shall be notified for possible criminal action.

VI. Training

All personnel designated to provide support for those in need of assistance shall complete OPDV's one-day training on Domestic Violence and the Workplace or training provided by our local domestic violence support agency, Renewal House. All appropriate managers, supervisors, Employee Assistance Program professionals, Human Resources personnel, union and labor representatives, and University Police staff will be encouraged to attend OPDV's training on Domestic Violence and the Workplace or training provided by Renewal House. Training will be made available to all staff on domestic violence and its impact on the workplace. This training will utilize materials provided by OPDV and/or Renewal House when possible.

VII. SUNY Potsdam Responsibility

- a. SUNY Potsdam believes that domestic violence is behavior that cannot be tolerated and, to that end will, actively provide information and support to employees who are victims of such abuse.
- b. SUNY Potsdam will disseminate copies of this *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.
- c. SUNY Potsdam expects all employees to review and follow this policy and the procedures set forth herein.
- d. SUNY Potsdam will, consistent with applicable law and campus policy, document all incidents of domestic violence that happen in the workplace. Such documents shall be kept confidential to the extent permitted by law and campus policy and the provisions of Section g detailed below.
- e. All SUNY Potsdam employees providing domestic violence information and support services shall document, consistent with applicable law and agency policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and campus policy and the provisions of section g detailed below, and documentation should not include any personal information. Bi-annual reporting to SUNY System Administration and OPDV is completed by the College's Domestic Violence Liaison/Title IX Coordinator.
- f. Bi-annually, the Domestic Violence Liaison/Title IX Coordinator shall, consistent with applicable law and SUNY Potsdam policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the

number of referrals made to domestic violence service providers, with no personally identifying information, to SUNY System Administration and OPDV.

- g. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and campus policy, and shall not be divulged without the written consent of the victimized employee, unless the campus determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals deemed necessary by the campus to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. SUNY Potsdam shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, SUNY Potsdam will provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. Nothing herein shall prevent SUNY Potsdam from investigating an act or acts of domestic violence occurring in the workplace. Some examples of situations where confidentiality cannot be maintained include the following:
 - (i) Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - (ii) First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - (iii) Government officials investigating a domestic violence incident that occurs in the workplace, or a report of domestic violence, shall be provided relevant information upon request and in accordance with legal requirements.
- h. While reported information is kept private to the greatest extent possible by Federal law, State law, and campus policy, New York State law includes clear limitations on legal confidentiality. Information reported to anyone not in a position listed below may have to be disclosed pursuant to a subpoena, where otherwise required by law or in accordance with Section VII, paragraph g above. Such confidentiality exists in certain (but not all) instances for certain medical personnel and counselors, social workers, clergy, attorneys, and rape crisis counselors and may in fact be required to be turned over in these cases through a subpoena or court order. Please note that where medical information is received from an employee who is the victim of domestic violence, such medical information shall be kept confidential to the extent required by and permitted by New York State and Federal laws including, but not limited to, the Americans with Disabilities Act and the Family and Medical Leave Act, if they apply to the employee's situation.

APPENDIX

Information to be Included in Campus Postings Regarding Domestic Violence and the Workplace
At a minimum, the following information shall be provided to current employees and new employees and included in posters posted in areas where employment information is ordinarily posted:

- a. Information regarding domestic violence and available resources in the work site. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral. Additionally, the posters may include

information regarding domestic violence programs located on the OPDV website:

<http://opdv.ny.gov/>.

- b. A statement informing employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims or designation of domestic violence as a pre-existing condition [§2612 of the Insurance Law].

Additionally, SUNY Potsdam shall integrate information on domestic violence and this Domestic Violence and the Workplace Policy into existing materials and literature, policies, protocols, and procedures, including the Public Employer Workplace Violence Prevention Programs¹ as appropriate.

¹ 12 NYCRR pt. 800.16 Public Employer Workplace Violence Prevention Programs

<p>Category: HR / Labor Relations Legal and Compliance</p> <p>Responsible Office: General Counsel</p>	<p>Procedure Title: Discrimination and Sexual Harassment Complaint Procedure for Title IX Sex Discrimination and Sex-Based Harassment</p> <p>Document Number: 650X</p> <p>Effective Date: August 01, 2024</p> <p>This policy item applies to: State-Operated Campuses</p>
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Note: *This procedure is to be used for Title IX Sex Discrimination and Sex-Based Harassment only. For Non-Title IX related Discrimination, Harassment, and/or Retaliation, SUNY Procedure 6501 will apply instead.*

Summary

The State University of New York University (“SUNY”) is committed to maintaining a learning and workplace environment free from sexual harassment, sex-based harassment and unlawful discrimination. In its continuing effort to seek equity in education and employment, and in support of Federal and State anti-discrimination legislation, SUNY has adopted this complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, criminal conviction, or any other characteristic protected by applicable state or federal law. Harassment on the basis of the above protected categories is one form of unlawful discrimination. SUNY will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others, if appropriate. Sex discrimination includes sexual harassment and sexual and interpersonal violence and may be addressed under this policy or the campus’ Title IX of the Education Amendments of 1972 (“Title IX”), depending on whether the

alleged conduct meets the definition found at 34 C.F.R. § 106.2. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action.

Process

Applicability

SUNY's Discrimination Procedures have three different tracks, and may be used by any student or employee, applicants for employment, interns, whether paid or unpaid, volunteers, contractors and persons conducting business with SUNY, as well as other third parties who are participating in a SUNY-sponsored program or activity. Complaints alleging *Title IX Sex-Based Harassment* involving students will be investigated and adjudicated in accordance with the applicable University's campus Title IX Grievance Procedure. Employee grievance procedures established through negotiated contracts, academic grievance procedures, student disciplinary processes, and any other procedures defined by policy or contract will generally operate independently from this procedure but may be used to give effect to findings where appropriate. For complaints that do not need to be investigated and adjudicated in accordance with the University's Title IX Grievance Procedure for conduct between students, campuses may always elect to immediately refer allegations at the outset of the process to the appropriate office (human resources, student conduct, etc.) for resolution in accordance with applicable campus policies and procedures. Human Resources and/or Employee/Labor Relations must be notified of complaints involving employees at the onset of the processes described in this procedure.

Furthermore, this procedure does not in any way deprive a complainant of the right to file with outside enforcement agencies including, without limitation, the New York State Division of Human Rights ("SDHR"), the Equal Employment Opportunity Commission ("EEOC"), the Office for Civil Rights of the United States Department of Education ("OCR"), and the Office of Federal Contract Compliance Programs of the United States Department of Labor (OFCCP).

All campuses must use this procedure unless the campus has made an application for an exception. Requests for an exception, along with a copy of the requesting campus's discrimination complaint procedure, must be filed with the SUNY Office of General Counsel. The request for an exception will be acted upon by the General Counsel (or their designee) after a review of the campus's complaint procedure. The AAO on each University campus and the AAO for the SUNY System Office, who receives any complaint of alleged discrimination, shall inform the complainant about the complaint process and other options to resolve the issue, assist the complainant in the use of the complaint form and understanding the nature of the incident, and provide the complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

All distributed and published versions of this procedure must contain the name or title, office address, email address, and telephone number of the individual with whom to file a complaint for each campus location, and for System Administration.

There are three tracks for procedures based on affiliation of the respondent and of the applicable law(s):

- *Procedures for all non-Title IX Discrimination Complaints, which is contained in SUNY*
- *Procedure 6501, available here: https://www.suny.edu/sunypp/documents.cfm?doc_id=451*
- *Procedures for all Title IX Discrimination Complaints that Do Not Involve Sex-Based Harassment and for claims of Title IX Retaliation, available below, and*

- *Procedures for all Title IX Sex-Based Harassment Complaints involving Employee Respondents, also available below.*

Definitions Applicable to Title IX Sex Discrimination and Sex-Based Harassment

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by SUNY.

Campus shall be used for State-Operated campuses and System Administration.

Consent means 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.

Complainant means:

1. a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or Sex-Based Harassment as defined in these Grievance Procedure and who was participating or attempting to participate in SUNY's Education Program or Activity; or
2. a person other than a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or Sex-Based Harassment under these Grievance Procedures and who was participating or attempting to participate in SUNY's Education Program or Activity at the time of the alleged sex discrimination or Sex-Based Harassment.
- 3.

Complaint means an oral or written request to SUNY that objectively can be understood as a request for SUNY to investigate and make a determination about alleged sex discrimination or Sex-Based Harassment at the institution.

Confidential Employee means:

1. an employee of SUNY whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
2. an employee of SUNY whom the institution has designated as confidential for the purpose of providing services to persons related to sex discrimination or Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or Sex-Based Harassment in connection with providing those services; or
3. an employee of SUNY who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination or Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

Disciplinary Sanctions means consequences imposed on a student Respondent following a determination under this Grievance Procedure that the Respondent violated SUNY's prohibition on sex discrimination or Sex-Based Harassment.

Discrimination on the Basis of Sex Under Title IX means discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Education Program or Activity means any academic, extracurricular, research, occupational training, or other Education Program or Activity operated by SUNY that receives Federal financial assistance.

Party means Complainant or Respondent.

Peer Retaliation means Retaliation by a Student against another Student.

Relevant means related to the allegations of sex discrimination and Sex-Based Harassment under investigation as part of these Grievance Procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination or Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination or Sex-Based Harassment occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person SUNY identifies as having had their equal access to SUNY's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to SUNY's Education Program or Activity after SUNY determines that sex discrimination or Sex-Based Harassment occurred.

Respondent means a person who is alleged to have violated SUNY's prohibition on sex discrimination Sex-Based Harassment.

Retaliation means intimidation, threats, coercion, or discrimination by any person at SUNY, a Student, or an employee or other person authorized by SUNY to provide aid, benefit, or service under SUNY's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation under these Grievance Procedure.

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

1. Quid pro quo harassment – An employee, agent or other person authorized by SUNY's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. Hostile Environment harassment – Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY's Education Program or Activity (i.e., creates a Hostile Environment). Whether a Hostile Environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access SUNY's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within SUNY's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in SUNY's Education Program or Activity;
3. Sexual Assault (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;
4. Dating Violence (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who

is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

5. **Domestic Violence** means any felony or misdemeanor crime committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of New York; or
6. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.
- 7.

Student means a person who has gained Admission.

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party's access to SUNY's Education Program or Activity, including measures that are designed to protect the safety of the Parties or SUNY's educational environment; or (2) provide support during SUNY's Grievance Procedures for Sex Discrimination and Sex-Based Harassment.

Title IX Procedures

I. Provisions Applying to Both Title IX Related Procedures

Effective Date

These Procedures apply to incidents that occur on or after August 1, 2024. Any incidents reported under these Procedures that occurred on or before July 31, 2024, will be processed through the institution's 2020 Title IX Grievance Policy and other applicable policies at the time when the reported incident occurred.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of these Grievance Procedures, these Grievance Procedures in their entirety, or the invalidated elements of these Procedures, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If these Procedures are revoked in this manner, any conduct covered under these Procedures shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy at the local institutional level and/or the local institution's student Code of Conduct and/or Sexual Misconduct Policies and/or procedures, as applicable. SUNY will update these Grievance Procedures as soon as practicable to reflect any court rulings or changes that invalidate parts of these Grievance Procedures, if applicable.

Scope of Procedures

SUNY has adopted grievance procedures that provide for the prompt and equitable resolution of sex discrimination and sex-based harassment Complaints made by students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Sex discrimination, as defined by Title IX, includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, hostile environment harassment, and four specific offenses (sexual assault, dating violence, domestic violence, and stalking). For the prompt and equitable resolution of Complaints of sex-based harassment involving a student Respondent, the institution will utilize the local institution's Sex-Based Harassment Grievance Procedure for students and student respondents.

Jurisdiction of Procedure

This Procedure applies to all sex discrimination and sex-based harassment involving employee respondents occurring under SUNY's Education Program or Activity in the United States.

Conduct that occurs under SUNY's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a Campus and conduct that is subject to the Campus's disciplinary authority.

SUNY has an obligation to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's Education Program or Activity or outside the United States.

In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, SUNY must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by law.

Allegations Potentially Falling Under More Than One Policy or Procedure

If the alleged conduct, if true, includes conduct that would constitute sex discrimination as covered by these procedures, and/or sex-based harassment complaints against an employee respondent under these procedures, as well as conduct not covered by these procedures, the Title IX Grievance Procedures will be applied to investigation and adjudication of only the allegations that constitute sex discrimination, retaliation and/or sex-based harassment involving employee-respondents covered under these procedures, and any other conduct will be referred to other appropriate policies and procedures of the institution for appropriate evaluation, investigation and determination.

Disability Accommodations

Generally

These Procedures do not alter any institutional obligations under federal and state disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedures that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Supportive Measures

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the campus's Office for Student Accommodations to provide support to students with

disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973 and/or other applicable laws in the implementation of any supportive measures. In the case of employees, the Title IX Coordinator will work with SUNY's Office of Human Resources to provide appropriate reasonable accommodations as necessary under employment laws.

Reporting Sex Discrimination to the Institution

Complaints

Complaints may be submitted in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The campus will display the contact information for their Title IX Coordinator directly on their website and in their local procedures, if any, which will include the Title IX Coordinator's name, title, office address, email address, and telephone number, as demonstrated below:

Contact Information for the Title IX Coordinator at SUNY Potsdam:

Name: Jacqueline Richardson-Melecio

Title: Vice President, Chief Diversity Officer, Title IX Coordinator

Office Address: Raymond hall 713

Email Address: Titleix@potsteam.edu

Telephone Number: 315-267-3082

The following people have a right to make a **Complaint of Sex Discrimination**, including Complaints of sex-based harassment, requesting that SUNY investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes: a student or employee of SUNY who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of SUNY who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in SUNY Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or SUNY Title IX Coordinator.
- With respect to **Complaints of Sex Discrimination Other than Sex-Based Harassment**, in addition to the people listed above, the following persons have a right to make a Complaint:
 - Any student or employee of SUNY; or
 - Any person other than a student or employee who was participating or attempting to participate in SUNY's Education Program or Activity at the time of the alleged sex discrimination.
- Types of Complaints that may be addressed under these Grievance Procedures include, but are not limited to, sex discrimination other than sex-based harassment, such as:
 - Complaints of retaliation;
 - Complaints of sex discrimination that do not involve sex-based harassment;
 - Complaints regarding failure to make reasonable modifications to policies, practices or procedures as necessary to ensure equal access and prevent sex discrimination on the basis of parental, family or marital status, including pregnancy or related conditions; or
 - Complaints that SUNY's policies or procedures discriminate on the basis of sex.

Title IX Coordinator Initiated Complaints

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine

whether to initiate a Complaint of sex-based harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex-based harassment would occur if a Complaint were not initiated;
- The severity of the alleged sex-based harassment, including whether the sex-based harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient;
- The scope of the alleged sex-based harassment, including information suggesting a pattern, ongoing sex-based harassment, or sex-based harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex-based harassment occurred; and
- Whether SUNY could end the alleged sex-based harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents SUNY from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

Confidential Reports

The following officials at SUNY Campuses will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All employees not designated as confidential under the Procedures.
- The following officials at SUNY Campuses may provide confidentiality:
- Counselors at the Psychological Counseling Center on campus;
- Employees in the Student Health Center;
- Others that may be designated by the institution on the local level in accordance with the applicable definitions.

Is there a particular format that the Complaint needs to be in?

A Complaint can be an oral or written request to a Campus that objectively can be understood as a request for the Campus to investigate and make a determination about alleged Sex Discrimination, Sex-Based Harassment and/or retaliation under Title IX at the institution.

Who can I report a Complaint to?

Any reports of Sex Discrimination or Sex-Based Harassment or Retaliation under Title IX may be made directly to the Title IX Coordinator, whose contact information is listed in these Grievance Procedures. There are other ways in which a Party may report a Complaint.

SUNY requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of the campus or has responsibility for administrative leadership, teaching, or advising in SUNY's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including Sex-Based Harassment.

All other SUNY employees who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute sex discrimination or sex-based harassment under Title IX or any institutional policy or these Grievance Procedures, these requirements do not apply to an employee reporting a personal Complaint.

What is the timeframe for a Campus to evaluate if the Title IX Coordinator is initiating an investigation under this Grievance Procedure?

The Title IX Coordinator must evaluate whether the Complaint falls under these Grievance Procedures within seven (7) business days after the Complaint is made and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a Complaint and request initiation of these Grievance Procedures even if I have made a complaint to law enforcement?

Yes. A Campus has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

Multi-Party Situations and Consolidation of Complaints

A Campus may consolidate Complaints alleging sex discrimination, Sex-Based Harassment and/or Retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sex discrimination, Sex-Based Harassment or retaliation arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

SUNY can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular Complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

Supportive and Interim Measures

Providing Supportive Measures

Complainants who report allegations of sex discrimination, sex-based harassment and/or retaliation have the right to receive supportive measures from a Campus regardless of whether they file a Complaint.

Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at a Campus.

As appropriate, supportive measures may include but not be limited to:

- Counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services, as available;
- Restrictions on contact applied to one or more Parties (no contact orders)
- changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Training and education programs related to sex-based harassment.
- Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or SUNY's educational environment, or to provide support during a Campus's grievance procedures.
- The Campus may modify or terminate supportive measures at the conclusion of grievance procedures or may continue them beyond that point within its discretion.
- The Campus will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to SUNY's Education Program or Activity, or there is an exception that applies, including, without limitation:
 - The Campus has obtained prior written consent from a person with the legal right to consent to the disclosure;
 - When the information is disclosed to an appropriate third-party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
 - To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute sex discrimination, sex-based harassment, and/or retaliation under Title IX in SUNY's Education Program or Activity;
 - As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
 - To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law, or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Process for Review of Supportive Measures

SUNY provides for a Complainant or Respondent to seek modification or reversal of its decision to provide, deny, modify or terminate a supportive measure.

This review will be done by an impartial employee of the Campus, who did not make the challenged decision on the original supportive measure request. The impartial employee of who makes this determination will have the authority to modify or reverse the decision if that impartial employee

determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedure as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (e.g., two-way no contact orders).

Emergency Removal

SUNY retains the authority to remove a Respondent from its Education Program or Activity on an emergency basis, where the Campus (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination, sex-based harassment and/or retaliation justifies removal. For any SUNY employee, this will be consistent with current Human Resource policy or practice and provisions of any applicable collective bargaining agreement.

The Campus will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The Respondent must provide any challenge to the Campus within 2 business days of receipt of the emergency removal, in writing. The Campus will hear the challenge within 3 business days of receipt of the challenge to the emergency removal. SUNY will issue a decision within 2 business days of hearing the challenge.

Note: The individual who hears the challenge to the removal determination should not be involved in any decision regarding responsibility or appeal of that decision regarding responsibility.

Administrative Leave or Alternate Assignment

SUNY retains the authority to place a non-student employee Respondent on alternate assignment during the Title IX Grievance Procedures, consistent with current Human Resource policy or practice and the applicable collective bargaining agreement.

Note on Student employees and Sex-Based Harassment: when a Complainant or Respondent is both a student and an employee of SUNY, the Campus must make a fact-specific inquiry to determine whether these procedures apply to that student employee. If the Complainant or Respondent's primary relationship with SUNY is to receive an education and whether the alleged sex-based harassment occurred while the Party was performing employment-related work.

Dismissal of a Complaint

Bases for Dismissal

A Campus may dismiss a Complaint of sex discrimination for any of the following reasons:

- The Campus is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in SUNY's Education Program or Activity and is not employed by the Campus;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint under the bases described in these procedures, and the Campus determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination, sex-based harassment, and/or retaliation under Title IX or these grievance procedures even if proven; or

- The Campus determines that the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination, sex-based harassment, and/or retaliation under Title IX or these procedures. Note: the Campus must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

Upon dismissal, the Campus will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then SUNY will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

The Campus will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the Campus will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeal rights must also be outlined in any notification of dismissal of a Complaint, as outlined below.

Appeal of Dismissals and Determinations

SUNY offers the following process for appeals from a dismissal of a complaint or a determination whether sex discrimination, sex-based harassment and/or retaliation occurred:

If the dismissal of a complaint or determination is appealed, the Campus will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint

