

# **Albany Medical College Student Non-Discrimination and Harassment Policy and Complaint Procedure**

**Revised June 2016**

# **Table of Contents**

Click on *Blue Label* to move to that topic.

<a href="#">Objective .....</a>	<a href="#">3</a>
<a href="#">Definitions.....</a>	<a href="#">3</a>
Prohibition of Discrimination and Harassment	
Prohibition of Retaliation	
Responsibility of the Student	
Responsibility of the Professors, Chairpersons or Other Administrators	
<a href="#">Statement of Student’s Rights .....</a>	<a href="#">7</a>
<a href="#">Awareness and Prevention Programs.....</a>	<a href="#">8</a>
<a href="#">Complaint Procedure.....</a>	<a href="#">8</a>
Reporting Procedure for Discrimination, Harassment or Retaliation	
<a href="#">Confidentiality.....</a>	<a href="#">10</a>
<a href="#">Resources.....</a>	<a href="#">11</a>
<a href="#">Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act.....</a>	<a href="#">11</a>
<a href="#">Disclaimer.....</a>	<a href="#">12</a>
<a href="#">Appendix A – Contact Information.....</a>	<a href="#">13</a>
<a href="#">Appendix B – Federal and State Law.....</a>	<a href="#">15</a>
<a href="#">Appendix C – Disciplinary Hearing Panels (DHP).....</a>	<a href="#">16</a>
<a href="#">Appendix D – Policy for Alcohol and/or Drug Use Amnesty .....</a>	<a href="#">24</a>

## **OBJECTIVE:**

Albany Medical College and Albany Medical Center (“collectively referred to as College”) has adopted this policy and the accompanying procedures to promote and maintain an environment that is free of discrimination and harassment, that encourages respect for the dignity of each individual and that complies with applicable federal, state or local laws. The Office of Academic Administration is responsible for managing the College’s ***Student Non-Discrimination and Harassment Policy and Complaint Procedure*** and for coordinating compliance activities under these policies and the applicable federal, state and local laws. It has been designated as the Office for Title IX, Section 503 of the Rehabilitation Act, and other equal opportunity, non-discrimination and affirmative action laws.

Students may contact the Office of Academic Administration to inquire about their rights under College policies, request assistance, and seek information about filing a complaint, or report conduct or behavior that may violate these policies. The Title IX Deputy Compliance Officer conducts investigations of all complaints filed under the Policy and Complaint Procedure, and fulfills required duties in the absence of the Title IX Compliance Officer.

Dr. Henry Pohl, Vice Dean, Title IX Compliance Officer

Dr. Noel Hogan, Senior Vice President and Chief Compliance Officer, Title IX Deputy Compliance Officer

## **DEFINITIONS:**

“**Student**” includes an individual who has paid tuition, registered for classes, or otherwise entered into any other contractual relationship with the College to take instruction. It further includes persons who are eligible to receive any of the rights and privileges afforded a person who is enrolled at the College, including, but not limited to, those individuals admitted to the College. Student status lasts until an individual graduates or is dismissed.

“**Workforce**” refers to all employees, members of the medical staff and their associates, affiliates to the medical staff, medical or other students, trainees, residents, interns, volunteers, consultants, contractors, subcontractors and temporary personnel whose conduct in the performance of work for AMC is under AMC’s direct control, at any AMC entity or contractually affiliated entity.

“**Harassment**” includes communicating, sharing or displaying written or visual material or making verbal comments or engaging in any other conduct which is demeaning or derogatory to a student, an employee, applicant, or patient or visitor because of his or her 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, criminal conviction, or any other class protected by applicable federal, state or local laws, including material, comments or conduct intended as humor. The use of College facilities, property or equipment to disseminate, duplicate or display such materials is prohibited (see Human Resources Policy #6.005).

The following is a partial list of behavior that could be considered harassment:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures, and

- Physical conduct such as assault, unwanted touching, or blocking normal movement.

**“Sexual Harassment”** includes stalking, making unwelcome and unwanted sexual advances, requesting sexual favors in exchange for favorable treatment, continued employment, avoidance of retribution, engaging in gender based verbal or physical conduct which is made a term or condition of education or employment, or which is used as the basis for education or employment decisions. “Sexual Harassment” also includes any type of unwelcome sexually-oriented conduct, including unwelcome sexual jokes or intimate physical contact that has the purpose or effect of unreasonably interfering with a student’s educational or work performance or creating an educational or work environment that is intimidating, hostile, offensive or coercive to a reasonable person. “Sexual Harassment” is not limited to male-female interaction but may be male-male or female-female interaction.

The following is a partial list of behavior, which could be considered sexual harassment:

- Threats or insinuations, either explicit or implicit, that an individual’s refusal to submit to , acquiesce in or rejection of sexual advances or sexual conduct will adversely affect his or her education, employment, evaluation, wages, advancement, assigned duties, benefits or any other aspect of education, employment or career advancement;
- Favoring any student, applicant or employee because that person has performed or shown a willingness to perform sexual favors for a professor, supervisor or manager;
- Unwelcome, profane or offensive sexual jokes, language, epithets, advances or propositions, whether in person or enacted by other means including but not limited to public or social media, digital or analog transmission, or written or audio recording;
- Written or oral abuse of a sexual nature or use of sexually degrading or sexually vulgar words to describe an individual;
- Display of sexually suggestive objects, pictures, computer images, drawings, posters, or cartoons;
- Graphic, degrading or unwelcome comments about an individual’s body, sexual prowess or sexual deficiencies;
- Asking questions about sexual conduct or relationships;
- Pursuing or following related to unsolicited sexual advances or pursuing a personal or intimate relationship;
- Trespassing or otherwise interfering with an individual's right to privacy in a harassing manner;
- Unwelcome touching, grabbing, leering, whistling, pinching, brushing against the body, impeding or blocking movements, or suggestive, insulting or obscene comments or gestures; and
- Assault or coerced sexual acts.

**“Discrimination”** includes disparate treatment directed toward an individual or group of individuals based on 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, criminal conviction or any other class protected by federal, state, or local laws, that adversely affects them.

**“Retaliation”** includes any conduct, whether or not education, workplace, employment related, directed at someone because he/she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable student or worker from making or supporting a charge of harassment or discriminations.

**“Confidentiality”** may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institutional officials, in a manner consistent with State and Federal Law, including but not limited to 20 U.S.C. 1092(F) and 20 U.S.C. 1681(A). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

**“Privacy”** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials.

**“Reporting Individual”** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

### **Prohibition of Discrimination and Harassment**

The College is committed to maintaining a discrimination and harassment-free environment that encourages respect for the dignity of each individual.

Discrimination in the educational environment and workplace is prohibited. The College endeavors to maintain an education and work environment free from unlawful discrimination. These include all forms of class-based discrimination including gender-based offenses such as domestic violence, dating violence, sexual assault and stalking. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. (see Appendix C, page 17).

This policy applies to the educational environment and workplace during school and business hours, to all school- and work-related social functions, whether on or off College premises, to school and business related travel, and to all classrooms and student areas. Should such discrimination or harassment occur, the College will take appropriate remedial action to prevent its continuation or recurrence and to correct its discriminatory effects on the complainant and others. All students are bound by these policies regardless of where their educational instruction resides.

Discrimination against patients is also prohibited. Patients will receive treatment without being subject to discrimination as to 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, criminal conviction or any other protected status recognized by applicable law for which the patient may qualify.

Harassment is unlawful and will not be tolerated. Any individual found to have engaged in harassment will be subject to disciplinary action, up to and including termination of employment or discipline under the Student Honor Code, up to and including expulsion.

### **Prohibition of Retaliation**

The College will not permit retaliation of any kind against anyone who, acting in good faith, opposes a discriminatory practice, complains about discrimination or harassment, furnishes information or participates in any manner in an investigation of such a complaint. Such retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment or discipline under the Student Honor Code, including expulsion.

Students alleging discrimination or harassment and students furnishing information or participating in any manner in an investigation of such an allegation will be assured that retaliation will not be tolerated and asked to report any conduct they experience or witness that may be considered retaliatory. In addition, students or employees who are the subject of an allegation of discrimination or harassment will be reminded that retaliation will not be tolerated and warned that engaging in retaliation will result in disciplinary action, up to and including expulsion or termination of employment. However, any student found to have made an intentionally dishonest or malicious complaint of discrimination, harassment, or retaliation will be subject to disciplinary action under the Student Honor Code, up to and including expulsion.

### **Responsibility of Individual Students**

Students should be aware of the potential for harm from abusive behaviors and harm and seek to avoid or mitigate those risks when possible. Students also should be aware of safe and positive options for intervening when they observe acts or events that may result in harm to others as a result of discrimination, harassment or violence towards others; and intervene when appropriate or report these instances to appropriate College authorities.

The line between acceptable social conduct and harassment is not always clear. For that reason, the College encourages students who feel they are being or have been harassed to communicate politely, clearly, and firmly to the offending party that the conduct is unwelcome, unwanted, offensive, intimidating or embarrassing; to explain how the offensive behavior affects the student's work; and to ask that the conduct stop.

If the student is uncomfortable with this approach or has done so but the perceived harassment has not stopped, the student is expected to use the procedures described below to address and resolve the problem.

Use of alcohol and other drugs is never justification or cause for acts of harassment, abuse, or assault

The College's *Good Samaritan Policy* supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subjected to disciplinary sanctions related to the violation of using or

possessing alcohol or other drugs. This policy applies to emergencies both on and off campus (see Appendix D).

### **Responsibility of Professors, Chairpersons and Other Administrators**

It is the responsibility of each professor, chair, and administrator to ensure that the students are provided a harassment-free educational environment. At the direction of the Dean, the Vice Dean of Academic Administration is responsible for coordinating the College's efforts to comply with and carry out its Title IX responsibilities. The Vice Dean of Academic Administration is also responsible for overall coordination and oversight of all harassment complaints to ensure consistent practices and standards in handling complaints.

### **STATEMENT OF STUDENT'S RIGHTS**

The College is committed to providing a safe and secure environment in which all members are treated with dignity and respect, and a campus free from all discrimination on the basis of sex. To that end, the College takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, intimidation or exploitation of others for sexual purposes.

All students will have emergency access to a Title IX Coordinator or Academic Dean on Call (262-3111) trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual 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 the penal law should be addressed to law enforcement or to the district attorney. Such official shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options.

At the first instance of disclosure by a reporting individual to an institution representative, the following information shall be presented to the reporting individual: "You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

Reporting individuals will receive assistance from campus to call on and assist local law enforcement in case of violations of order of protection.

All students have the right to:

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

- 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
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
- 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
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident
- 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
- Access to at least one level of appeal of a determination
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution

Reporting individuals will have information about resources, including intervention, mental health counseling, and medical services, which shall include information on whether such resources are available at no cost or for a fee. Reporting individuals will be provided information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services, established pursuant to section six hundred twenty-two of the executive law.

### **AWARENESS AND PREVENTION PROGRAMS:**

The College is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

The College provides all incoming students and new employees with education to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Ongoing prevention and awareness programs are provided for students, faculty and College employees to reinforce the College prohibition against all acts of harassment, discrimination and violence, as well as safe options for bystander intervention and risk reduction behaviors to avoid harm from these acts.

### **COMPLAINT PROCEDURE:**

This policy applies to complaints of discrimination in any College program or activity filed by students against College employees, other students, and third parties who are not College employees but who are on the College's premises or who are doing business with or for the College.

Complaints by students against employees and third parties doing business with the College for discrimination and harassment are processed in accord with the Center's Human Resource Personal Conduct/Harassment Policy. Should a complaint be made against a member of the Albany Medical Center workforce other than students or College employees covered by this policy, Human Resources will assist in the process and the Center's Human Resource Personal Conduct/Harassment Policy pertaining to other members of the Albany Medical Center workforce will be implemented.

Violations of the College's Student Non-Discrimination and Harassment Policy and Complaint Procedure and the Center's Human Resource Personal Conduct/Harassment Policy are prohibited. Appropriate disciplinary action may be taken against any student or employee who violates these policies up to and including termination of enrollment, employment or contractual relationship.

### **Reporting Procedure For Discrimination, Harassment Or Retaliation**

Any student who believes he or she is being discriminated against, harassed or subject to retaliation, or, who witnesses or becomes aware of what he or she believes is discrimination, harassment or retaliation has an obligation to promptly report such. The student should be aware of the importance of preserving all forms of evidence as proof of the alleged acts and behaviors to support the alleged acts and when necessary taking additional legal action against the accused.

A student may make such a complaint to his or her Clerkship Director, Advising Dean, Assistant Dean for Medical Education, Associate Dean of Graduate Studies, Center Director, Department Chair, or Vice Dean of Academic Administration, who each in turn is required to immediately report all complaints without exception to the Senior Vice President/Chief Compliance Officer at Albany Medical Center. A student, if he or she desires to do so, may also make such a complaint directly to the Senior Vice President/Chief Compliance Officer at Albany Medical Center. To aid the College in conducting an effective investigation, students are strongly encouraged to make complaints of discrimination, harassment and retaliation as soon as possible.

The Senior Vice President/Chief Compliance Officer at Albany Medical Center or his/her designee will serve in an investigator role to review these matters in an impartial manner on a consistent basis. The names, office address and telephone number of the Clerkship Director, Advising Deans, Assistant Dean of Medical Education, Associate Dean of Graduate Studies, Center Directors, Department Chairs, Vice Dean of Academic Administration and Senior Vice President/Chief Compliance Officer can be found on Appendix A to this policy.

At no time will the College force the reporting individual to face the accused in the reporting, investigation or resolution of a complaint involving discrimination, harassment or retaliation. However, relevant reported incidents occurring in certain geography must be publicly reported as per the Clery Act, however, no names are associated with such reporting and the identity of victims are not included in Clery Act reports.

The reporting individual has the ability to withdraw a complaint or involvement from the institution process at any time.

The College will conduct a prompt and thorough investigation of all complaints, ether formal or informal. The investigation will include:

- Interviewing the reporting student and/or the student who was subject to the offending behavior as well as the student who is the subject of the complaint, and providing them with the opportunity to identify witnesses and provide other evidence;
- Interviewing all relevant witnesses and reviewing relevant education and work records;
- Reminding the reporting student, the student who was the subject of the offending behavior, the subject of the complaint and all witnesses of confidentiality expectations and the College's prohibition of retaliation;
- Taking remedial action where necessary to stop the offending behavior;
- Documenting findings; and
- Periodically informing the reporting student and/or the student who was the subject of the offending behavior of the status of the investigation.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. The College will complete its investigation as promptly as possible given the nature and scope of the investigation with a general goal of twenty (20) business days of receipt of the initial complaint. When extraordinary circumstances require deviation from this time frame, the College will notify the reporting student as well as the student who is the subject of the complaint.

When the College completes its investigation, it will communicate a summary of the relevant findings to the reporting student and/or the student who was the subject of the offending behavior as well as the student who is the subject of the complaint. If it is found through a preponderance of the evidence that a student has violated this policy, a referral to the Dean's Committee may be made for discipline in accordance with the Student Honor Code. The Student Honor Code of the Albany Medical College governs all aspects of the student disciplinary process including the rights to an advisor to participate in formal proceedings, notifications to the parties to a proceeding and rights of appeal. If an employee or other member of AMC's workforce is found to have harassed or discriminated against a student, the wrongdoer will be subject to discipline up to and including termination of employment or contract and/or exclusion from campus.

The College will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the student who was the subject of the offending behavior and others, if appropriate.

### **CONFIDENTIALITY**

Even Albany Medical Center offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

## **RESOURCES**

The College has a variety of resources available to victims of crime. Counseling is available to students at the South Clinical Campus Student Counseling Center. To make an appointment a student should call 518-262-5511 and let the receptionist know that you are a student. Students should also feel free to contact their Advising Dean (Medical Students), Faculty Advisor (Graduate Students), the Assistant Dean(s) of Medical Education, Associate Dean of Graduate Students, Center Chairs, Clerkship Directors/Coordinators, the Vice Dean of Academic Administration, AMC Security and/or the Chief Compliance Office.

## **JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIMES STATISTICS ACT**

The Center is required to report annually on the statistical incidence of crimes on or around campus as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the "Clery Act"). The Clery Act is a Federal Law that defines hate crimes as any of the crimes otherwise reportable under the Clery Act or any bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

New York Penal Law specifies that a person commits a hate crime, when he or she commits a specified offense and either intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person, regardless of whether the perception or belief is correct, or intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception with respect to the categories enumerated above.

The specified offenses are assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; manslaughter in the first degree; manslaughter in the second degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree; stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree; criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree; grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

When a person is convicted of a hate crime where the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime where the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

### **DISCLAIMER**

Nothing in this Statement of Principles and Rights shall be construed to preclude or in any way restrict the College from carrying out its duties under law to report suspected offenses to the appropriate law enforcement authorities. Except as required by law, the College will take care not to identify the victim.

Prohibitions against discrimination and harassment do not extend to statements or written materials that are germane to classroom subject matter.

A copy of rules and policies shall be provided to all students enrolled at AMC during orientation and available on The Commons and AMC Student Center Sakai sites. For students enrolled in the Online Bioethics Degree, the rules and policies will be available on a general Bioethics Sakai site.

Statement of Student's Rights will be distributed to all students enrolled at AMC during orientation and posted in the main classrooms, library and student lounge.

This document was revised using material from Federal and State Law. As well, policies from the State University of New York and Columbia University were used as references in drafting this document with their knowledge and consent.

This policy will be reviewed yearly to ensure compliance with current Federal and State Law as well as policies of Albany Medical Center.

**Appendix A** – Contact Information during office hours, after 5 pm and on weekends call the AMC Operator (518-262-3111) and ask for the Academic Dean On Call.

Community Outreach	Ingrid Allard, MD	allarda@mail.amc.edu
Graduate Medical Education	Joel Bartfield, MD	bartfij@mail.amc.edu
Student Affairs	Elizabeth Higgins, MD	higgine@mail.amc.edu
Medical Education	Henry Pohl, MD	pohlh@mail.amc.edu
Medical Education	Jonathan Rosen, MD	rosenj@mail.amc.edu
Graduate Studies	Richard Keller, PhD	kellerr@mail.amc.edu
Medical Education	Rebecca Keller, PhD	kellerre@mail.amc.edu
Medical Education	Kimberly Kilby, MD	kilbyk@mail.amc.edu
Admissions & Student Records	Donald Pritchett, MS, JD	pritchd@mail.amc.edu

**AMC III Clerkships/Directors**

Family/Community Medicine	Ann Rutter, MD	ruttera@mail.amc.edu
Medicine	Joseph Wayne, MD	waynej@mail.amc.edu
Obstetrics & Gynecology	Paul Burcher, MD, PhD	burchep@mail.amc.edu
Pediatrics	Jennifer Pearce, MD	pearcej@mail.amc.edu
Psychiatry	Steven Sandler, MD	sandles@mail.amc.edu
Surgery	David Chismark, MD	chismad@mail.amc.edu

**AMC IV Course Directors**

Critical Care	Heidi DeBlock, MD	deblock@mail.amc.edu
Emergency Medicine	Kathryn Hogan, MD	hogank@mail.amc.edu
Neurology	Matthew Murnane, MD	murnanm@mail.amc.edu
Ophthalmology	Rob Schultze, MD	schultr@mail.amc.edu
Primary Care (FM)	Ann Rutter, MD	ruttera@mail.amc.edu
Primary Care (Medicine)	Sunil Pokharel, MD	pokhars@mail.amc.edu
Primary Care (Pediatrics)	Emily Knuth, MD	knuth1@mail.amc.edu
Surgery	Charles Bakhos, MD	bakhosc@mail.amc.edu

**Basic Science Department Chairs / Center Directors**

Alden March Bioethics Institute	Bruce White, DO,JD	whiteb@mail.amc.edu
Molecular & Cellular Physiology	Harold Singer, PhD	singer@mail.amc.edu
Immunology & Microbial Disease	Dennis Metzger, PhD	metzged@mail.amc.edu
Neurosci & Exp. Therapeutics	Julie Pilitsis, MD, PhD	pilitsj@mail.amc.edu
Nurse Anesthesiology	Jodi DellaRocca, MS, PhD	dellarj@mail.amc.edu
Physician Assistant	David Irvine, DHSc, RPA-e	irvined@mail.amc.edu
Regenerative & Cancer Cell Biology	Paula McKeown-Longo, PhD	mckeowp@mail.amc.edu
	Paul Higgins, PhD	higginp@mail.amc.edu

**Department Chairman**

Anesthesiology	Kevin Roberts, MD	robertk@mail.amc.edu
Emergency Medicine	Christopher King, MD	kingc1@mail.amc.edu
Family & Community Med	Neil Mitnick, DO	mitnicn@mail.amc.edu
Medicine	Richard Blinkhorn, MD	blinkhr@mail.amc.edu

Neurology  
Obstetrics & Gynecology  
Ophthalmology  
Pathology  
Pediatrics  
Physical Medicine & Rehab  
Psychiatry  
Radiology  
Surgery

Michael Gruenthal, MD, PhD gruentm@mail.amc.edu  
Kevin Kiley, MD kileyk@mail.amc.edu  
John Simon, MD simonj@mail.amc.edu  
Jeff Ross, MD rossj@mail.amc.edu  
David Clark, MD clarkd@mail.amc.edu  
George Forrest, MD forresg@mail.amc.edu  
Victoria Balkoski, MD balkosv@mail.amc.edu  
Gary Siskin, MD sisking@mail.amc.edu  
Steven Stain, MD stains@mail.amc.edu

**Vice Dean Academic Admin**

Henry Pohl, MD pohlh@mail.amc.edu

**Senior Vice President/  
Chief Compliance Officer**

Noel Hogan, EdD hogann@mail.amc.edu

## **Appendix B**

### **FEDERAL and NY STATE LAW**

The Center is required to report annually on the statistical incidence of crimes on or around campus as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the “Clery Act”). The Clery Act is a Federal Law that defines hate crimes as any of the crimes otherwise reportable under the Clery Act or any bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, national origin, gender identity, ethnicity or disability of the victim.

New York Penal Law specifies that a person commits a hate crime, when he or she commits a specified offense and either intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person, regardless of whether the perception or belief is correct, or intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception with respect to the categories enumerated above.

The specified offenses are assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; manslaughter in the first degree; manslaughter in the second degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree; stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree; criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree; grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

When a person is convicted of a hate crime where the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime where the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

## **Appendix C** – Disciplinary Hearing Panels (DHP)

There will occasionally be incidents or reports of conduct on the part of a student occurring outside the academic realm or usual purview of Albany Medical Center that cannot be resolved through interaction of the Promotions Committee or the Student Honor Committee and that may raise serious questions about the fitness of the student to continue in the study and eventual practice or teaching of medicine. Such matters shall first be referred to the Dean or the Dean's designee, who shall undertake an investigation, with which the student shall be required to fully cooperate, and thereafter recommend appropriate action. If that recommendation is for dismissal, or if the Dean or the Dean's designee considers the matter of sufficient moment, the Dean or the Dean's designee may convene a disciplinary hearing panel to consider all aspects of the matter. The subject student is entitled to a hearing before a Disciplinary Hearing Panel (DHP) under these circumstances in order to present his or her case. The student must make a written request for a DHP hearing within five business days of such recommendation or be deemed to have waived it.

The DHP shall consist of 5 members as follows: 2 faculty members of the Academic Governing Council, 2 other tenured faculty, and the President of the Student Council. If a quorum of 3 faculty members of the DHP is not available, the Dean may appoint ad hoc members for a meeting. If the President of the Student Council is unable to attend a meeting, the Vice President of the Student Council may substitute. The Dean shall appoint a Chair from the membership for each case.

Faculty members of the DHP shall serve three-year terms with two members being replaced each year. In order to establish this rotation, the Committee shall initially have two faculty members serving one-year terms, two serving two-year terms and two serving three-year terms. No member of the Committee may serve more than two consecutive terms.

In order to derive sufficient information upon which to base a recommendation, the DHP may interview the student and any other person appropriate to the matter at hand.

The DHP hearing shall be conducted in most cases according to the following general guidelines, which shall be subject to adjustment at the reasonable discretion of the Chairman.

- A. A reasonable attempt shall be made to notify the student in writing by personal delivery or by certified mail to his or her last local address as shown in the records of the College that the DHP will conduct a hearing. The notice shall contain a full and a fair summary of the information or charges against the student, sufficient to enable the student to formulate a response, as well as notice as to the date, time and location of the hearing. Specifically, for cases of domestic violence, dating violence, sexual assault and stalking, the notice shall describe the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions;
- B. A diligent effort shall be made to schedule the hearing not less than seven nor more than 21 calendar days following personal delivery or certified mailing of the notice.
- C. The notice of the hearing shall (through sending the student these guidelines) inform the student of the following:

1. The student has the right to be present at the hearing and is, in fact, is expected to be present.
  2. The student may be accompanied at the hearing by legal counsel (one person) and, in addition, by his or her faculty advisor. The legal counsel may confer with and advise the student but may not interfere with or participate in the proceedings. The Student's counsel shall not interview witnesses.
  3. The College may have legal counsel present to confer with and advise the Committee and College personnel, but such counsel may not interfere with the proceedings and shall not interview witnesses.
  4. A record or transcript will be made of the hearing and the student has the right to review such record or to obtain a copy or copies of such record upon payment of the cost of its reproduction. The record shall be maintained for at least five years.
  5. The student has the right to present such evidence, testimony, affidavits, exhibits, and witnesses as are relevant to the stated purposes of the hearing or to the charges upon which the recommendation for the hearing was based.
  6. Prior to the hearing, the student has the right to review his or her official Student record as defined by applicable law and any additional material upon which the recommendation for the hearing has been based. Copies of items in the student record and copies of other pertinent materials may be obtained by the student upon payment of the reproduction costs.
- D. Upon completion of the evidentiary portion of the hearing, the DHP shall proceed in executive session to determine the validity of the charge(s) and to recommend to the Dean appropriate action, as decided by simple majority vote. A minority report may, if desired, also be presented to the Dean. The minutes of the DHP in executive session shall not constitute part of the record of the hearing. Only the vote reached in such a session shall be included in the record. If a request is made for a minority report to the Dean, that fact, too, shall be included.
- E. The recommendation of the DHP shall be transmitted in writing within 72 hours of the adjournment of the executive session of the hearing to the Dean and to the student(s) involved. The letter of notification to the student shall inform him or her of the right to apply in writing within 7 days to the Chairman of the Committee on Student Appeals for permission to appeal the decision of the DHP. Failure to submit such application within the specified time period shall constitute a waiver of the student's right to further appeal.

**In the case of Sexual Assault the following occurs:**

In cases where a student is accused of sexual assault, domestic violence, dating violence or stalking as those incidents are defined below, or other violations of the law, the Guidelines for Promotion Committee, or any AMC policy that are committed on the basis of sex, gender or status in a relationship, in addition to the rules established above, the following additional rules shall apply to the investigation and hearing process.

Albany Medical College and its affiliated entities strictly prohibit the offenses of Domestic Violence, Dating Violence, Sexual Assault and Stalking. In addition to their impact on victims, such actions negatively impact the educational and employment environment at AMC. Upon learning of these violations and/or crimes, AMC will take immediate action to address the facts presented, offer resources to any victims, and take action against any student within the jurisdiction of AMC who has been found responsible after the process established in these Guidelines for Promotion Committee.

Students accused of the violations established in this part of the Guidelines shall be referred to as respondent while those who report being victims or survivors of these violations shall be referred to as reporting individual, regardless of whether they wish to participate in the investigation or hearing described here.

Incidents may be disclosed confidentially to institution representatives, who may offer confidentiality or privacy pursuant to applicable laws and can assist in obtaining services and/or resources for reporting individuals.

### **Definitions:**

Sexual Assault encompasses the violations of rape, fondling, incest and statutory rape and is not limited to male-female interactions but may be male-male or female-female interactions.

Rape is defined as 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 is defined as 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.

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.

Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In New York, such relationships require that one conducts such action knowingly 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 the whole or half blood, uncle, aunt, nephew or niece.

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent. In New York, the age of consent is seventeen years old.

Stalking is defined as engaging in a course of conduct (two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property) that is directed at a specific person; and would cause a reasonable person to fear for his or her safety or the safety of others

or that causes that person to suffer substantial emotional distress. Examples of stalking 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.

Domestic Violence is defined as felony or misdemeanor crimes of violence (whether Federal or New York State) committed by, between, or among current or former spouses or relationship partners, those who share a child in common or who currently live or have lived together in a relationship of a romantic or intimate nature, and those who are a family or household member as covered by New York State law and published in the AMC Annual Security Report.

Dating Violence is defined as violence or threats of violence by, between or among individuals who have a social relationship of a romantic or intimate nature (such relationship status to be determined based on the statement of the reporting individual and taking into account length or relationship, type of the relationship, and frequency of contact within 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.

These violations shall be together identified as sexual and interpersonal violations.

#### **Code of Conduct in Relation to Consent:**

- 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, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- 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.

#### **Hearing Process**

The hearing for students accused of sexual and interpersonal violations shall be conducted as established in Appendix C. Hearing officers shall receive annual training in issues related to Domestic Violence, Dating Violence, Sexual Assault and Stalking as well as information on

investigating and conducting hearings for these violations that protects victims while ensuring a fair process and accountability for those who violate the law and/or these rules. Officers shall also receive training on 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.

### **Advisor of Choice**

As in all processes at AMC, the respondent may have the advice of an advisor of choice including an attorney. In investigations and hearings for accusations of sexual and interpersonal violations, both the respondent and the reporting individual may bring an advisor of choice to any hearing or meeting that is part of the process who may be legal counsel. As described above, in addition to legal counsel, the parties may also bring their faculty advisor. Such advisors may be present to advise the respondent or reporting individual but may not participate in the proceedings in any manner.

### **Timeline for the Process**

The timeframe for investigations, hearings, and determinations in sexual and interpersonal violations shall utilize the time frames established above for all cases. In addition, except when circumstances merit a reasonable delay, AMC will endeavor to complete the entire process within sixty (60) days.

The respondent and the reporting individual may each request a one time delay of a meeting or the hearing for reasons of their own schedule or the schedule of their advisor, however the maximum time allowed for such a delay request is five business days of AMC. If the respondent and reporting individual both request a delay, the Dean or designee may agree to a delay, but only for good cause shown. The Dean or designee may also provide a delay for business, medical, or other emergency reasons, in the sole discretion of the Dean or designee. The Dean or designee will notify the Respondent(s) and Reporting Individual(s) of any such delay in writing (paper or electronic).

### **Participation by Reporting Individual**

During the investigation process and at the hearing, the reporting individual may participate at the level at which he or she is comfortable within the scope of these guidelines. That includes choosing whether or not to report to an AMC official, report to an outside agency or law enforcement, answers questions in a hearing, testify at a hearing, and/or ask questions of other parties within the hearing as established in these Guidelines. AMC will not require a reporting individual to participate. In certain cases, AMC may not have sufficient evidence of a violation to move forward without the participation of the reporting individual, while in other cases, AMC reserves the right to move forward in the process even without the participation of the reporting individual.

### **The Hearing Process**

In all such cases, the investigators and members of the Disciplinary Hearing Panel are neutral fact finders who will make a determination of whether there is a preponderance of the evidence that the respondent has committed the violation(s) of which he or she is accused.

Disciplinary Hearing Panel members will not serve if they have an actual conflict of interest in a specific case. If either respondent, the reporting individual, or a Disciplinary Hearing Panel member raise an actual or perceived conflict of interest, the Dean or designee will investigate and determine whether there is an actual conflict of interest, in which case that panel member shall be replaced. Such determinations are in the sole judgment of the Dean or designee.

If the respondent is found responsible for one or more violations, the Disciplinary Hearing Panel will recommend one or more sanctions appropriate to the gravity of the violation and consistent with past sanctions, if available.

The hearing is an educational process intended to determine if a member of the student body violated AMC policy. Constitutional due process does not apply, and the formal rules of evidence do not apply. The Chair and Dean or designee may make reasonable changes to this process to improve the opportunity to determine facts and make proper educational judgments.

### **Evidence**

Both the respondent and the reporting individual will have access to evidence in the case file, as determined by the Dean or designee. Respondent and reporting individual may submit any evidence that they would like considered to the Dean or designee and, to the extent the Dean or designee finds the evidence to be relevant and authentic, it will be submitted to the panel for consideration. All evidence must be received by one (1) week prior to the disciplinary hearing panel. Both the respondent and the reporting individual will have an opportunity to review the evidence prior to the hearing. The Dean or designee may decline to admit any evidence that has not been presented within the appropriate timeline or may choose to admit the evidence while giving the other person and an opportunity to review the evidence and request a delay, granting of which will be in the sole discretion of the Dean or designee.

Both the respondent and the reporting individual may request that the Dean or designee call certain individuals as witnesses during the course of the hearing. Whether to call each witness and the order of witnesses is in the sole discretion of the Dean or designee.

Both the respondent and the reporting individual have the right to question each witness, except that they may not directly question each other. Any questions raised by one of these parties to the other must go through the Chair. Whether to ask the question and, if asking, whether to modify the question in any way is in the sole discretion of the Chair. The Chair will also have the right to end questioning of any witness if the questions are cumulative, harassing or abusive, or if the Chair finds it to be in the interest of the proceeding.

Both the respondent and the reporting individual's own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility will be excluded. However, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

### **Findings and Appeal**

The reporting individual may make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

The Disciplinary Hearing Panel will simultaneously notify the reporting individual and the respondent of their findings, in writing (whether paper or electronic) and if there is a finding of responsible, the notification will include the sanctions. The written notification shall include the rationale for the result and, if there is a finding of responsibility, the sanction.

The appeal process for sexual and interpersonal violations shall be the same as the appeal process for all violations described above in the Guidelines except that for sexual and interpersonal violations, the reporting student shall maintain the same rights to appeal as the respondent. Those rights to appeal apply regardless of the outcome of the investigation and hearing. If a respondent is found responsible, a reporting individual may file as an appeal a statement of support for the findings. Equally, if a student is found not responsible and the reporting individual appeals that finding, the respondent may file as an appeal a statement of support for the findings.

The appeal shall be considered by a panel of faculty, staff, and students but ultimately decided by the Dean or Dean's designee. All information obtained during the course of the conduct or judicial process will be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Both the respondent and the reporting individual will receive simultaneous notice, in writing (paper or electronic) of any changes to the result following an appeal, and of the final results following appeal.

The outcome of a conduct or judicial process will not be publicly disclosed or discussed. However, the number and type of cases investigated per year will be disclosed to the AMC community.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

### **Mandatory Sanctions**

The sanctions available for students found responsible for these violations are the following:

Sexual Assault: Dismissal

Stalking: non-academic probation, suspension, or dismissal

Domestic Violence: suspension or dismissal

Dating Violence: suspension or dismissal

### **Retaliation**

No member of the Albany Medical College community, including but not limited to faculty and staff, respondent, reporting individual and their families, friends, and acquaintances, shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a report under this process, serves as a witness, or assists or participates in a proceeding in any manner. Participants who experience retaliation should report the incident to the Vice Dean of Academic Administration.

### **Interim Actions**

At any time during the preliminary investigation process, the hearing process or the appeals process, the Dean or the Dean's designee may suspend or remove a student from normal academic activities if such action is deemed to be in the interest of maintaining the normal function and atmosphere of the College. Such suspension or removal shall automatically be reviewed at the time of the next proceeding in any case and a recommendation for its continuation or termination made to the Dean.

Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.

Upon recommendation of any of the individuals or committees listed below, the Dean or the Dean's designee may require appropriate educational, psychometric or medical evaluation of a student in order to help determine his or her academic, behavioral, or emotional fitness for continuation as a student:

- a) The Vice Dean for Academic Affairs
- b) The Dean for Academic and Student Affairs
- c) The Promotions Committee
- d) The Disciplinary Hearing Panel
- e) The Committee on Student Appeals

In addition to the Interim Measures outlined above, in cases of sexual and interpersonal violations, the Dean or designee may also issue a no contact order wherein the respondent may not contact the reporting individual in any manner. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request.

The Dean or designee may also take other interim actions, not defined here, that will maintain order at AMC and allow all students the ability to benefit from the educational and employment environment. Such interim measures may be assigned at any time in the process.

## **Appendix D** – Policy for Alcohol and/or Drug Use Amnesty

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