



ALBANY MEDICAL COLLEGE

ALBANY MED Health System

Albany Medical College 2024 Annual Security Report

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2024 Annual Security Report

This report has been prepared and made available to students and staff as required by a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Any questions regarding this report should be directed to the Director of Security Services, Albany Medical Center, 22 New Scotland Avenue, Albany, N.Y. 12208 or by telephone at (518) 262-8830.

Preparing the Annual Security Report

The Albany Medical Center Office of Security Services in conjunction with the Albany Medical Center (AMC) Administration and Albany Medical College (College) Administration prepare this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act).¹

This Annual Security Report (“ASR” or “Report”) can be viewed and downloaded on the Albany Medical College website at <https://www.amc.edu/community/campus-safety>. Prospective students, current students, faculty, staff, and other interested individuals may also access printed copies of this report during business hours at the college’s Security Services Office, located at 22 New Scotland Avenue, Albany, NY. Each year’s report is uploaded to the college’s website on or before Oct. 1 of each year. Students, faculty, and staff are notified that the report is available through an e-mail sent on or before Oct. 1 of each year.

Prospective employees may obtain printed copies of the report from the Human Resources Office, 22 New Scotland Avenue, Albany, NY.

This report is prepared in cooperation with the local law enforcement agencies of the jurisdictions surrounding the College and other College offices. Preparation of the ASR and compliance with the Clery Act are College responsibilities.

Campus statistics for crime, arrest and referral include those reported to the AMC Security Services Office, the Albany Police Department (APD), other appropriate law enforcement agencies and those College officials designated as Campus Security Authorities. Clery Act reportable crimes occurring within relevant Clery Act geography are reported when one of the above offices or individuals receives a report of such a crime. Reports of crimes can only be unfounded by sworn law enforcement and only when, after an investigation, there is evidence that the crime did not occur (not just that the person accused was not arrested, charged or convicted). If a crime is unfounded, that will be noted in the statistics in this report. There were no unfounded Clery Act crimes in 2022, 2023, 2024.

¹ Albany Medical College (College) is a corporate affiliate of Albany Medical Health System. Albany Medical Center Hospital (Hospital) is also a corporate affiliate of Albany Medical Health System (AMC).

Campus Security Authorities

- Albany Medical Health System Department of Security Services
- Senior Associate Dean of Academic Administration
 - College Advising Deans
 - Associate Dean for Academic and Student Affairs
 - Associate Dean for Medical Education
 - Associate Dean for Graduate Education
 - Associate Dean for Community Outreach & Medical Education

(Note: Advising Dean assignments are on record in the Office of Admissions and Student Records (R 109)

- Committee on College Safety and Emergency Preparedness
- Advisory Committee on Campus Safety

Reporting Crimes (Including Confidential Reporting)

All members of the community including students, staff, guests and those who live or work around the College are urged to report criminal incidents, emergencies and suspicious activity to the AMC Office of Security Services promptly. The emergency number is (518) 262-3777 or (518) 262-9111 and should be used for all fire (in addition to the fire pull stations), medical and police emergencies. All reports are responded to, logged, and classified. Criminal incidents and fires may also be reported to the APD or Albany Fire Department (AFD). During emergencies, individuals should dial 911 from a campus phone or cell phone (note that 911 calls on cell phones are routed to the New York State Police for dispatch, who can put your call through to the Albany Police or Fire Department). The APD non-emergency number is (518) 438-4000. For additional information on the services provided by APD, go to their website at <https://www.albanyny.org/Government/Departments/PoliceDepartment.aspx>.

AMC Security Services can also be reached using the emergency blue phones or call boxes and the panic alarms that are located around Albany Medical College and Albany Medical Center Hospital (Hospital). Upon receipt of the call, AMC security officers are dispatched immediately to the location where the call was placed. Security officers conduct an investigation and file a report. If necessary, the APD or another appropriate government agency will be called in to assist.

Members of the College community who are uncomfortable reporting criminal activity to the police or AMC Security Services can also report criminal incidents to the following offices:

- College Senior Associate Dean of Academic Administration
- College Advising Deans
- College Safety and Emergency Preparedness,
- Advisory Committee on Campus Security

Note that these offices allow victims and witnesses to report crime on a voluntary, confidential basis. Reports of this nature are filed with AMC Security Services for informational purposes, and the statistics are applied towards Clery Act reporting totals, but there is no formal investigation of the incident. In cases of sexual assault or other sex crimes, the College's Title IX Officer may take additional actions or conduct an investigation.

The purpose of a confidential report is to comply with the reporting victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, AMC Security Services can keep an accurate record of the number of incidents involving students; determine where there is a pattern of crime, with regard to a particular location, method, or assailant; and alert the campus community to potential danger.

Although students are encouraged to report crimes to AMC Security Services or the offices listed above, students may also report crimes to the College Campus Security Authorities—those faculty or staff members who have significant responsibility for student or campus activities. This includes faculty and staff members who advise student organizations or groups.

In keeping with New York State privilege laws and Clery Act reporting rules, pastoral or professional mental health counselors who are informed by persons they are counseling of the commission of a crime need not report the crime or the statistic to College officials. Pastoral and professional counselors are encouraged to inform those they are counseling, when deemed appropriate, of AMC's procedures for reporting crimes on a voluntary, confidential basis for inclusion in AMC's crime statistics.

In the event of a major emergency or ongoing incident that poses an immediate threat to the AMC community, a facility wide "AMC Alert" will be issued pursuant to the AMC Emergency Notification procedures. The AMC Alert System is a critical incident emergency notification system that is in place for all employees and students who are required to subscribe via the AMC Intranet. Enrollees of the AMC Alert System can choose to be notified by phone, email, voicemail, text message, or a combination of these methods. If there is an event which could pose a threat to students, employees or others, a "Code Orange" will be announced, which means that access to Albany Medical Center will be restricted by electronically locking all external entrances and other passageways of the facility as the emergency dictates.

Security and Access to the College

In the academic school year 24-25, 856 students were enrolled at Albany Medical College. The College maintains no residence halls. Albany Medical Center employs in excess of 10,000 individuals and, of this number, 2,700+ are employed as full-time and/or part-time faculty and staff of the College.

Students, faculty and employees have access to academic, recreational and administrative facilities on site during regular hours of operation. Visitors to the Hospital and College are restricted to visiting hours and the public is restricted to normal business hours.

The public can attend functions and educational events on site with their access limited to the areas in which these events are occurring. To report any violations of this policy or to report suspicious persons, contact AMC Security Services at (518) 262-3777. Emergencies or special events may necessitate changes to access and security. In such cases, AMC Security Services will work with the department sponsoring the event to determine appropriate security and access on a case-by-case basis.

AMC Security Services and Other Local Law Enforcement Agencies

It is the mission of the AMC Security Services to protect life and property and to support and further the efforts, goals and mission of the Medical Center.

AMC Security Services' administrative office is located at 22 New Scotland Avenue, and the department has an authorized staff of 110 full-time employee equivalents and operates 24 hours per day, seven days per week.

Security for the Medical Center, including the College, the Hospital, South Clinical Campus, Parking Garages, 22 New Scotland Avenue, 16 New Scotland Avenue, 50 New Scotland Avenue, 391 Myrtle Avenue Medical Office Building, and all other off-site facilities is accomplished through foot, fixed and vehicular patrols.

Security is further enhanced by the use of an extensive Closed-Circuit Television (CCTV) System that includes over 1100 CCTV cameras strategically located both within the College and Hospital, around the perimeters of the main campus, 16 New Scotland Avenue, 22 New Scotland Avenue, 50 New Scotland Avenue, 391 Myrtle Avenue Medical Office Building, and the South Clinical Campus. Panic and sensor alarms, blue emergency telephones, and an access control system further protect staff and property. Additionally, there are over 2,200 card readers that control access to various sensitive areas within the Hospital and College, as well as the entrances to College property.

The administrative staff of AMC Security Services consists of the Security Vice President, Director, Assistant Director, 13 supervisors, one investigator, 9 visitor management associates, and 85 security officers who receive the New York State mandated training and are registered with the New York Department of State as security guards. The officers receive additional training related to their duties throughout the year. AMC Security Services is a member of the Zone 5 Law Enforcement Training Academy at which security officers may receive training."

AMC Security Services is responsible for initial law enforcement, security, accidents, fire and chemical emergency responses. It is additionally responsible for providing support services tailored to meet the needs of the Medical Center. These services include, but are not limited to, escorts, building lockouts, accident reporting, traffic control, motor vehicle assists, identifying safety or security hazards, maintaining lost and found items, conducting criminal background checks, administering the institutional key policy and issuing ID badges, as well as enforcing the policy related to it. Other duties include serving as liaison with the Department of Correctional Services and assisting at helicopter landings for patients arriving via air transport.

The Vice President of AMC Security Services has the authority to take action when a condition exists that could result in personal injury to individuals or damage to equipment or buildings. Security officers have the authority to make a citizen's arrest as outlined in Section 140.30 of the Criminal Procedure Law. They may arrest a person for a felony and may detain such person until the Albany Police Department (APD) arrives and takes control of such person. Security officers may arrest a person for any offense when such offense has been committed in their presence. Security officers do not have the authority to issue parking tickets, but they do have the authority to have cars illegally parked on Albany Medical Center property towed.

AMC Security Services maintains a close working relationship with the APD and other law enforcement agencies and elements of the criminal justice system. AMC Security Services meets regularly with other directors of security from local colleges and hospitals, APD personnel as well as personnel from the NYS Department of Correctional Services. AMC has provided office space for the APD Neighborhood

Engagement Unit and maintains a Memorandum of Understanding with the APD that outlines responsibilities during the investigation of certain violent crimes.

Campus Safety Programs, Education and Crime Prevention

As part of the College's educational mission, AMC Security Services in conjunction with the APD and the Advisory Committee on Campus Safety attempts to teach members of the Medical Center community how to reduce their chances of being a victim of a crime. The crime prevention program is based on the concept of reducing or eliminating criminal opportunities and encouraging students and employees to be responsible for their own security and the security of others.

The theft of unattended, unsecured property is the crime most frequently reported at AMC. Individuals are encouraged to keep their vehicles, offices and lockers secured at all times. Observation of suspicious activity or persons should be reported to Security Services immediately.

The following is a listing of crime prevention programs and projects:

AMC Security Services Escort Service

Available 24 hours per day, seven days per week for anyone to any on-campus location. After normal business hours, vehicular escorts are available within reason when other means are unavailable.

Personal Safety/Security:

Crime prevention presentations are made on a regular basis. The Director of AMC Security Services makes crime prevention presentations at all new student and employee orientation sessions and for third year students entering their hospital rotations. These presentations focus on how the attendees should use measures to enhance their safety and protect their property. The presentations also provide information on resources they can utilize should they become a victim of a crime. Custom presentations are made upon request and/or in conjunction with law enforcement agencies.

Emergency Telephones and Panic Alarms:

Emergency blue telephones and panic alarms that are linked directly to AMC Security Services are located throughout the campus.

Architectural Design:

Security is a consideration in the design of all new and renovated areas of the campus, including physical and electronic security systems as well as any keying designs.

Security Surveys:

AMC Security Services and the College Advisory Committee on Campus Safety, as well as members from the College Safety and Emergency Preparedness Committee, periodically perform surveys of exterior lighting, doors and grounds of the Medical Center. The results are forwarded to AMC Plant Facilities for prompt action and correction. Officers from the APD may also participate in the survey or provide advice to the College.

Rape Awareness and Prevention Programs:

- The Associate Dean of Student Affairs, along with members of the Emergency Department's Forensic Nurse Examiner team presented to the first-year medical students during the Introduction to Medicine course. The required training included information regarding what constitutes rape, sexual assault, consent, and discrimination. The training also included the responsibilities of the Title IX Coordinator at Albany Medical College and Students Rights.

RAD Self Defense Course- Lead by Albany Police Department: Self-defense course was a free 3 session interactive course. Students were given a lecture portion on risk avoidance techniques and safety suggestions. Self-defenses techniques were taught by trained RADD instructors, and participants were able to practice the techniques with active discussion on how to apply them safely.

Forensic Examination Interactive Session: Discussed the importance of a sexual assault forensics exam, often known as a "rape kit", is to preserve possible DNA evidence and receive important medical care. Importantly, the crime does not have to be reported in order for an individual to have an exam, but this process allows the victim to safely store evidence should they decide to report at a later time. The goal was to educate students on how to administer a forensic examination if ever needed to do so. It also provided students with a breakdown of available services at Albany Medical Center and other SAFE designated centers.

Trauma Informed Clinic Workshop: Organized a workshop delivered by a provider trained in Trauma Informed Practices. The event was hosted by the Domestic Violence, Sexual Assault Awareness (DVSAA) student group in the college's Patient Safety and Clinical Competency Center (PSCCC).

SA/IPV April Lecture Series: Multi-part lecture series that took place every Tuesday in April. Lectures were conducted by various interest groups (DVSAA, OBGYN, AMWA and Urology IG) each presenting a topic related to sexual violence, discrimination or harassment. All students within the college were invited to attend. Each presentation had a faculty commentator that is experts in the field. Topics included: Female Genital Mutilation/Cutting, Male Intimate Partner Violence, Impacts of Intimate Partner Violence on Immigrant Populations, Title IX Reporting Process at Albany Medical College.

We Care Event: Fundraised and donated to Albany Medical Centers Nurse Examiners We Care Program. Participated in creating care support bags for patients that come to Albany Medical Center Emergency Department with reports of sexual violence. Bags provide hygiene essentials, new clothes, activities, and handwritten notes from the person who put together the bag. AMC students were encouraged to attend. DVSAA members assisted with bringing bags back to AMC.

Equinox Care Bags: Fundraised and donated care bags to Equinox, Inc., a non-profit community organization that supports adolescents and adults who have experienced Domestic Violence, housing insecurity, and drug abuse.

Take Back the Night: Organized by Albany County Victim and Crime Services. The annual event took place at Washington Park Lake house. Students were invited to attend the event and learn about the resources available in the capital region for victims of any form of violence. There was a survivor speak-out, rally & march, and a candlelight vigil to honor victims in our community.

Emergency Management Collaboration with Albany Medical College and Other Local Colleges

Albany Medical College, through the Office of Emergency Management, collaborates with emergency management representatives from surrounding education institutions on issues relating to emergency and disaster planning and response.

Safety/Security Notices to Student Body:

Throughout the calendar year, safety/security notices are sent to the student body. The following notices were issued to the student body in the calendar year 2024:

- March 27, 2024: Safety Advisory- Albany Police Dept. communication regarding an individual possibly in possession of a handgun, attempted to gain entry into occupied vehicles

Committee on University and Community Relations (CUCR)

This committee brings together representatives of local colleges, college students, the Albany Police and Fire Departments, neighborhood association representatives, local business and landowners, and other interested parties to discuss issues of common interest. Albany Medical College participates in this initiative. This is an award-winning committee that has become a model in improving community relations. This committee convenes on a monthly basis.

Criminal Background Checks and Drug Testing

All prospective employees are required to go through a criminal background check conducted by the Division of Criminal Justice Services. AMC employees also undergo drug testing before being hired. Prospective medical students undergo a criminal background check as part of the American Medical College Application Service (AMCAS) process.

Criminal Activity Off Campus

The College provides no student housing and has no recognized off-campus student organizations such as fraternities or sororities, and therefore, it has no policy regarding student criminal activities at such organizations. When called upon, the College assists local law enforcement, but the College does not provide any law enforcement, security, or patrol to off-campus locations.

Criminal activity at any properties owned or leased by AMC is, in addition to AMC Security Services, monitored by the local law enforcement agency having jurisdiction of the locations.

Possession of Weapons on College Property

New York State law and AMC policy prohibit the possession, use or sale of firearms and dangerous weapons, including ammunition, fireworks, explosives or any other lethal weapon on College or Hospital property.

Possession, Use and Sale of Alcoholic Beverages and Illegal Drugs

In support of a safe, drug free workplace, drug testing and criminal background checks are part of the College's hiring process. Albany Medical Center reserves the right to conduct random drug testing as needed or required by law.

It is the policy of Albany Medical Health Center and all of its corporate affiliates that the unlawful or unauthorized manufacture, distribution, sale, dispensing, possession or illegal use of drugs, or the use of alcohol in a manner which impacts the ability of the employee/student to perform the essential functions of his/her job, is prohibited in the workplace and in the classroom. Faculty, staff and students must not report for duty or clinical or educational experience under the unlawful or unauthorized influence of a drug or alcoholic beverage. Also, depending upon the individual facts and circumstances of each case, off-site use of unlawful or unauthorized drugs or alcohol, or offsite drug or alcohol-related arrests or criminal convictions, may violate the AMC policies and could lead to corrective action up to and including termination of employment or suspension or expulsion of students from any academic program of the College.

Faculty and staff are required as a condition of continued employment by AMC to notify their manager in writing of any conviction for a violation of a drug or alcohol statute which occurs in the workplace or off-site no later than five (5) calendar days after such conviction. Students also will be required as a condition of their continued affiliation with the College or any affiliated academic program sponsored by the College to notify the Dean, in writing, within five (5) calendar days of a drug or alcohol related conviction for violations occurring either on or off campus.

Any employee/student unlawfully or without authorization possessing drug(s) or alcoholic beverages(s), or using, dispensing and/or selling these items on Center premises at any time will be subject to corrective action, up to and including termination or expulsion. This corrective action will be pursued in accordance with AMC Human Resources Policies and Procedures or the College Student Honor Code.

Use or possession of illegal drugs and unlawful possession of prescription drugs for non-medical purposes presents a danger, not only to the individual who possesses or uses the drug, but also to the patients and community members of AMC. It is unlawful to sell, furnish, or provide alcohol to anyone under the age of 21 and violations of this law and policy will subject the employee or student to discipline up to and including dismissal from employment or expulsion from an academic program. The minimum age to purchase alcohol in New York State is 21. New York State law governs the use, possession and sale of alcohol to minors and those of age, liability for personal injury or property damage resulting from illegally selling alcohol to minors or an intoxicated person, and laws prohibiting driving while intoxicated or under the influence of drugs or alcohol, and laws prohibiting the use, possession, transportation and sale of illegal drugs, including unauthorized sale or use of prescription drugs. A conviction for violating NYS alcohol or drug law may result in a fine, loss of ability to be licensed in certain medical professions, and incarceration. Information on specific NYS and Federal laws and local ordinances governing alcohol and drugs may be obtained during business hours at the Office of AMC Security Services. Students may be subject to both College discipline and prosecution in the criminal justice system.

AMC Employee Health Services is available as a resource to all faculty, staff and students and their physicians (without compromising the physician/patient relationship) to determine the effects, if any, that a prescribed drug could pose as a potential safety risk to the employee/student as he/she carries out assigned tasks. The College Student Health Service is available to students Monday-Friday by appointment and by telephone after hours

The Albany Medical Center Employee Assistance Program (EAP) is available to all faculty, staff and students experiencing problems resulting from drug or alcohol abuse or dependency. If an employee or

student seeks addiction treatment referrals from their own motivation and there have not been any reported problems with conduct at work, or class performance or behavior, then the referral remains confidential. If a supervisor of the staff member, or professor of the student, initiates the contact with EAP, then they will be notified of whether or not the staff member follows up with, and participates in, addiction treatment.

Physicians, residents, medical students, and physician assistants will be referred to the advocacy and monitoring body of the Committee on Physician's Health (CPH) for treatment referral and monitoring of their progress. CPH provides non-disciplinary, confidential assistance to physicians, residents, medical students, and physician's assistants experiencing problems from stress and difficult adjustment, emotional, substance abuse and other psychiatric disorders. The link to contact them is:

<http://www.mssny.org/cph/>

Any employee/student seeking rehabilitation for substance abuse will be eligible to apply for a medical leave of absence. The individuals and their manager/Dean should coordinate their efforts through CPH EAP. Before applying for permission to return to work or class, the employee or student must present a release from his/her physician and be cleared through CPH. Students are cleared to return to class by a College faculty member who performs an administrative psychiatric evaluation

Crime Log

AMC Security Services maintains a daily log of crimes that occur at the main campus or any of the off-site locations. The information is recorded by date and time and summarizes the details of what happened and gives a general location of the incident. All crimes that occur in reportable geographic locations are included in the log, not just Clery Act reportable crimes. The daily log is available for public viewing at the AMC Security Services Administrative Offices at 22 New Scotland Avenue. Please note that entries or updates are generally made within two business days after the event occurs. Incidents or situations that are deemed to pose a threat to the AMC community are logged as soon as possible. AMC may also notify the College community about these incidents in a timely warning through the AMC wide Messenger, consistent with the College's Timely Warning protocol.

While most crimes are logged within two days, the Vice President of AMC Security Services may determine that an incident be classified as "confidential" in order to protect the identity of a victim or to not jeopardize a criminal investigation. Once that confidentiality period has ended, however, the reported crime will be added to the log.

Timely Warning Protocol

To aid in the prevention of crimes, the AMC Office of Security Services will initiate timely warnings to notify students, faculty and staff about crimes that present a serious or continuing danger or threat to the AMC community. The AMC Office of Security Services will issue such warnings as soon as information is available and confirmed, unless such information will compromise an ongoing criminal investigation.

Timely warnings are different from emergency notifications and are used to notify the AMC community in a timely manner, but not immediately, about incidents and crimes that are occurring on the campus or in the immediate area that may present a serious or continuing danger to some or all members of the College community.

The Vice President of AMC Security Services and/or his or her designee shall determine on a case-by-case basis whether to issue a timely warning—taking into consideration the nature of the crime; whether the crime appears to be a single incident or part of a pattern of activity; the continuing danger to the AMC community; and the possible risk of compromising an ongoing law enforcement investigation by issuing the timely warning.

The Vice President of AMC Security Services and/or his or her designee shall determine the content of a timely warning along with the AMC Office of Public Relations and shall determine the best method to notify the AMC community or a subset of the AMC community. This may be by means of an all-campus email, posters posted in key locations where they will be viewed, or other methods as determined on a case-by-case basis. The Vice President of AMC Security Services or his or her designee utilizes the method in each case that presents the greatest likelihood that appropriate and pertinent information will reach the AMC community. The timely warning includes information about the crime that triggered the timely warning as well as information about steps that members of the AMC community should take to help prevent or cut down on such crimes, and the information on whom to contact if you are a victim of a crime.

Emergency Notification Policy

In the event of a major emergency or ongoing incident that poses an immediate threat to the safety of the AMC community, the Incident Command System (ICS) may be activated as defined in the Albany Medical Center Emergency Operations Plan. Within the ICS incident management process, communications and messaging are coordinated through the Incident Commander, in consultation with representatives of the College Dean's Office and the AMC Public Information Officer (PIO).

As part of the communication and messaging strategy, AMC will initiate an "AMC Alert." AMC Alert is a critical incident emergency notification system that is in place for all employees and students. Students and employees are required to subscribe to AMC Alert via the AMC Intranet. Enrollees can choose to be notified by phone, email, voicemail, text message, or a combination of these methods. For incidents or events where ICS is not activated or is in the process of being activated, emergency notification will be initiated by the office of the Hospital Chief Operating Officer, or designee, in consultation with a representative from the College Dean's Office and other key departments as the incident warrants.

Immediate threats are those incidents which pose immediate danger to members of the AMC community. Examples are an active shooter on campus or in the Hospital, a gas leak, a bomb threat, or a weather emergency. AMC may initiate such alerts for situations caused by criminal activity or those not caused by criminal activity.

If there is an event that could pose a threat to the safety of students, employees or others, a "Code Orange" may be activated and access to AMC may be restricted by electronically locking all entrances and other areas of the facility as the emergency dictates as determined by the Incident Commander in consultation with AMC Security Services and a representative of the College Dean's Office.

Procedurally, AMC will initiate such an emergency alert as soon as necessary information becomes available and is confirmed. The Office of AMC Security Services will confirm the existence of an emergency in concert with appropriate AMC offices and, in certain cases, with the Albany Police and/or Fire Departments. The Incident Commander, in coordination with AMC Security Services and a

representative from the College Dean's Office will issue emergency notifications either to the AMC community or to the appropriate members of the College community who are affected by the emergency. The entire AMC community will be notified where there is the potential that they may be affected by the emergency, as determined by incident command and in consultation with AMC Security Services and a representative from the College Dean's Office. AMC will continually assess the state of the emergency, and additional emergency notifications may be issued to the entire AMC community or to specific segments of the College community as appropriate.

The content of the notification will be developed by the Incident Commander in consultation with AMC Public Information Officer, AMC Security Services, a representative from the College Dean's Office, and appropriate community partners considering the safety of the AMC community. An assessment will be made on how much content must be shared, whether there is a danger in sharing certain content that would impede an ongoing law-enforcement investigation or harm efforts to contain the emergency or assist a victim, and how to share the information in a user-friendly format that can be read and absorbed easily by members of the AMC community. In certain cases and depending on the exact nature of the emergency and the danger it presents, AMC, in conjunction with the AMC PIO and AMC Security Services, may initiate updates to its Web site, send a campus-wide e-mail, or send AMC Security officers into certain areas to notify those in danger. The Incident Commander, in coordination with the AMC PIO may also, in certain cases, alert the media if such an alert will assist in spreading information about the emergency to members of the AMC community while not impeding an ongoing law enforcement investigation or impeding efforts to contain the emergency or assist a victim. The Office of AMC Public Relations will work with AMC Security Services to notify the local media of the emergency.

The list below includes the positions responsible for carrying out the Emergency Notification Protocol:

- Administrator on Call (as Incident Commander)
- College: Office of the Dean
- Director of AMC Security Services
- Office of AMC Public Relations (as PIO)

AMC tests its emergency notification system annually. Periodic testing shall be scheduled and will include both issuing an emergency alert over the AMC Alert System as well as coordinating with College offices, AMC Security Services, and local police and fire officials. AMC documents the date and time of such tests and whether they were announced or unannounced as well as reviews the results of the test to evaluate the success of the notification system and the coordination between AMC offices and local agencies. The results of these reviews are used to strengthen the emergency notification system and process for future use.

In conjunction with these tests, AMC shall publicize the emergency response and evacuation procedures and the methods that members of the AMC community can use to be sure they receive all appropriate emergency notification alerts. Students and employees are required to subscribe to the AMC Alert System via the AMC Intranet and are prompted to update their contact information on an annual basis via the AMC mandatory safety module.

Pursuant to Federal guidelines, if AMC initiates an emergency notification for an incident, it may choose not to issue a timely warning unless the timely warning can provide additional pertinent information.

Sex Offenses

The College prohibits sexual and interpersonal violence, including sexual assault, domestic violence, dating violence and stalking.

It is very important to clarify that the Albany Medical College campus consists solely of academic and clinical facilities. The College does not own, lease or operate dormitories or housing of any kind. Students live in the surrounding communities and are therefore subject to the community's legal systems. If the College becomes involved in an incident occurring in or concerning a student's housing, it normally occurs through the student reporting it to the Academic Administration. If another student is involved in the incident, then the matter is referred to the College's Disciplinary Hearing Panel (See Appendix B). This process could occur parallel to the legal processes of the community in which the student lives. The College's primary role is to provide the support network for the victimized student—including advice, psychological care and medical care. With regard to such offenses, the College has worked with the Albany Police and the AMC Security Department to ensure student and staff safety. Every offense is investigated and handled with utmost care and due process.

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 Sex-based 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. These terms are defined in the Albany Medical College Student Non-Discrimination and Harassment Policy, and Complaint Procedure (Appendix A).

The College presents all incoming students with a workshop 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. The topics of rape awareness, sexual assault, as well as the dangers of acquaintance rape are also discussed in the Medical College's Metabolism, Endocrinology, Gastrointestinal and Reproductive Systems course, the Mind, Brain and Behavior course and the Psychiatry Clerkship. All Medical students are required to study these topics. Importantly, these topics are discussed at the Advisory Committee on Campus Security which includes interaction with Albany Police Department representatives.

A victim of any type of sexual offense should report the incident immediately or as quickly as possible. If someone is the victim of a sexual offense the first goal should be to get to a place of safety. Once in a safe place, there are several options for reporting the crime. Albany Medical Center will assist in reporting the crime and obtaining necessary services. Depending on the nature of the crime and the process that is most comfortable, there are several methods of seeking immediate help, as outlined in the Albany Medical College – Student Non-Discrimination and Harassment Policy, and Complaint Procedure.

REPORTING AN INCIDENT OF SEX-BASED MISCONDUCT

Anyone reporting an incident of sexual assault, domestic or dating violence, or stalking has the right to:

- Notify Campus Safety, local law enforcement, or the New York State Police.
- 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 reporting individual and who can provide information, including:

(1) Options to proceed, including the right to report to Campus Safety, local law enforcement, and/or the New York State Police, or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.

(2) Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible.

(3) That the criminal justice process utilizes different standards of proof and evidence than the College's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the District Attorney.

(4) Whether the person they are reporting to is authorized to offer confidentiality or privacy; and

(5) Any other reporting options.

- Disclose the incident confidentially to College representatives, who may offer confidentiality pursuant to applicable laws, and can assist in obtaining services for Reporting Individuals.
- Disclose the incident confidentially and obtain services from the state or local government.
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult with the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with College's Policy. A Reporting Individual's identity shall remain private if that is what the Reporting Individual wishes. However, privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the College's obligations under the law and its policies and procedures.
- If the accused is a College employee, disclose the incident to Human Resources or request a confidential or private employee to assist in reporting to Human Resources.
- Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
- Withdraw a complaint or involvement from the College process at any time, with the understanding that in appropriate cases, the College may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Sharing information regarding an incident of Sex-Based Misconduct at a public awareness event, such as a candlelight vigil, protest, or other public event, does not constitute notice to the College and will not trigger an investigation under this Policy and Procedure.

Medical Attention and Evidence Preservation

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is available through Albany Medical Health System or at local hospital emergency rooms (listed below). To gain assistance in getting to an emergency room, a victim can call 911 or notify

Campus Safety. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections. Communications with medical staff are confidential. Medical staff will not report the incident to the College.

Seeking medical attention will in no way oblige a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact the police will not impact the College's investigation process.

Albany Medical Center Emergency Department

43 New Scotland Avenue, Albany, NY (518) 262-3773

Albany Memorial Hospital Emergency Department

600 Northern Blvd, Albany, NY (518) 471-3221

St. Peter's Health Partners Emergency Department

315 South Manning Blvd, Albany, NY (518) 525-1315

Victim Resources

The College has a variety of resources available to victims of crime. Counseling is available to students at the Student Counseling Center. To make an appointment, a student should call 518-262-5511; 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 Studies, Center Directors, Departmental Chairs, Clerkship Directors/Coordinators, the Senior Associate Dean of Academic Administration, AMC Security and/or the Chief Compliance Officer. See Appendix B for specific contacts.

Emergencies

If a student has a psychological emergency after office hours, the College Administrator on call can be contacted at (518) 262-3111. The College Administrator on-call will assess the emergency in telephone conversation with the program psychiatrist. If indicated, an urgent treatment referral will be arranged through the Department of Psychiatry.

Confidentiality

Everything discussed with AMC Student Psychological Services therapists is confidential. If a student who is a victim of, or witness to, an alleged crime discloses information regarding the alleged crime in the context of a consultation, evaluation or treatment with Student Psychological Services ("SPS"), that information will not be disclosed outside of SPS without the explicitly stated consent of the student except to the extent necessary to protect the student or the community.

Requests for Confidentiality or Declining an Investigation

If a victim of Sex-based Misconduct discloses an incident 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 members of the College community, including the victim.

If the College honors a request for anonymity or confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In some rare instances, it may be possible for the College to maintain the reporter's identity and still take responsive action, including disciplinary action if appropriate. For example, if any one of a number of individuals experienced or witnessed the conduct, it may be possible for the College to proceed without revealing the name of the person who made the report.

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

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

If the College determines that it cannot maintain a victim's confidentiality or anonymity, the Title IX Coordinator 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 and as necessary to conduct a thorough investigation.

The College will remain ever mindful of the Reporting Individual's well-being and will take ongoing steps to protect them from retaliation or harm and work with the students to create a safety plan. Retaliation against the Reporting Individual, whether by students or College employees, will not be tolerated. The College will take the following steps:

- 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.
- 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 alleged perpetrator 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 will not require a Reporting Individual to participate in an investigation or disciplinary proceedings.

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act. The

federal law requires the New York Division of Criminal Justice Services (DCJS) to provide AMC with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at AMC.

DCJS operates a registry of information on sex offenders who are required to register after a conviction. There are three levels of registry: level 1 (low risk), level 2 (medium risk), and level 3 (high risk). DCJS maintains an additional directory consisting of level 2 and level 3 offenders. Sex offender registry information may be accessed here: <http://www.criminaljustice.ny.gov/nsor/>

The CSPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Clery Act and Crime and Referral Statistics (2022, 23, 24)

The Clery Act requires that colleges and universities report in the ASR crimes that occur in four geographic locations: (1) on campus, (2) in residence halls on campus, (3) in non-campus properties, and (4) on public property adjacent to, and accessible from, the campus. The College maintains no residence halls on campus or elsewhere. Those offenses required to be reported under the category of “On Campus Property” include offenses alleged to have occurred on Albany Medical Health System (“AMC”) property and in AMC buildings on the AMC campus located at 43-47 New Scotland Ave., 16 New Scotland Ave., 22 New Scotland Ave., 50 New Scotland Ave., 628 Madison Ave., and the South Clinical Campus on Hackett Boulevard. Non-campus property includes those properties owned or leased by the College outside of AMC’s campus boundaries that are used to further the College’s mission and are frequently used by students. The offenses reported for this category are dealt with by the law enforcement agency having jurisdiction for each specific location.

On-Campus Buildings:

Please note the attached maps:

- Albany Medical Center Main Campus (Appendix E)
- Map provides a larger area view to include the main campus, as well as the South Clinical Campus. (Appendix E)

Non-Campus Buildings or Properties:

- AIDS and HIV Medicine: 1 Clara Barton Drive, Albany, NY
- Albany Med Clifton Park: 453 Rt. 146, Suite 204, Clifton Park, NY
- Albany Med Clifton Park Crossings, 3 Crossing Blvd, Suite 2, Clifton Park, NY
- Albany Med Community Division – Gastroenterology, 1365 Washington Ave., Suite 300, Albany, NY
- Albany Med Community Division – Pediatrics, 100 Great Oaks Blvd, Suite 103, Albany, NY
- Albany Med Community Division -- The Endocrine Group, 1365 Washington Avenue, Suite 300, Albany, NY
- Albany Med Community Division – The Neurology Group, 1783 Route 9, Suite 205, Clifton Park, NY
- Albany Med Community Division – The Neurology Group, 101 Jordon Drive, Suite 102, Troy, NY
- Albany Med Delmar: 250 Delaware Ave., Delmar, NY
- Albany Med EmUrgentCare, Hannaford Plaza, 98 Wolf Road, Suite 16, Albany, NY
- Albany Med EmUrgentCare, 730 Hoosick Rd., Brunswick, NY 12180

- Albany Med EmUrgentCare, 1019 New Loudon Rd, Cohoes, NY 12047
- Albany Med EmUrgentCare, 11835 Route 9W, Coxsackie, NY
- Albany Med EmUrgentCare, 329 Glenmont Road, Glenmont, NY
- Albany Med EmUrgentCare, 5 New Karner Rd, Guilderland, NY 12084
- Albany Med EmUrgentCare, 7 Price Chopper Plaza, Mechanicville, NY
- Albany Med EmUrgentCare, 1769 Union Street, Niskayuna, NY
- Albany Med EmUrgentCare, 1400 Altamont Ave, Schenectady, NY 12303
- Albany Med EmUrgentCare, 2976 Route 9W, Saugerties, NY
- Albany Med Kingston: 1561 Ulster Ave, Suite 301, Lake Katrine
- Albany Med Latham: 713 Troy-Schenectady Rd., Suite 306, Latham, NY,
- Albany Med Malta: 6 Medical Park Drive, Suite 203, Ballston Spa, NY
- Albany Med North Greenbush, 101 Jordan Road, Suite 201, Troy, NY
- Albany Med Washington Avenue, 1365 Washington Avenue, Suite 200, Albany, NY
- Allergy, Asthma, Immunology: 176 Washington Ave. Ext, Albany, NY
- Allergy, Asthma, Immunology: 1301 River St., Suite 106, Valatie, NY
- AMC Neurosurgery – Glens Falls, 454 Glen Street, Glens Falls, NY
- AMC Neurosurgery Clinic, 1134 State Route 29, Greenwich, NY
- AMC Dept. of Surgery Saratoga, 381 Church Street (1st Floor), Saratoga, NY
- AMC Neurology, Multiple Sclerosis, and Memory Disorders, 35 Hackett Blvd, Albany, NY
- Bernard & Millie Duker Children's Hospital at Albany Med, 43 New Scotland Ave., Albany, NY
- Dept. of Ophthalmology: 1220 New Scotland Ave., Slingerlands, NY
- Family Practice Center, 391 Myrtle Avenue, Albany, NY
- General Pediatrics Group: 391 Myrtle Avenue, Suite 3A-3B, Albany, NY
- Glens Falls Hospital: 100 Park Street, Glens Falls, NY 12801
- Internal Medicine Group, 178 Washington Ave. Ext, Albany, NY
- Latham Internal Medicine/Pediatrics Group: 1019 New Loudon Rd., Cohoes, NY 12047
- Malta Med Emergent Care: 6 Medical Park Drive, Ballston Spa, NY
- Park South Medical Office Building, 391 Myrtle Ave., 2nd Floor, Albany, NY
- Obstetrics and Gynecology: 391 Myrtle Avenue., Albany, NY
- Outpatient Physical Therapy: 99 Delaware Avenue, Delmar, NY
- South Clinical Campus: 25 Hackett Blvd, Albany, NY
- WIC Program: 220 Green Street, Albany, NY

“Public Property” includes the near sidewalk, street, and far sidewalk of streets immediately adjacent to the AMC campus as well as parking facilities immediately adjacent to the AMC campus. AMC reports in the ASR statistics on arrests and disciplinary referrals made to AMC authorities for violation of New York State law regarding alcohol, drug and weapons possession.

AMC reports in the ASR statistics for Hate Crimes that occur in a reportable geographic location. A hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin and/or gender identity. The hate crimes in this ASR are those offenses that appear in the Crime Statistics Chart including offenses that resulted in bodily injury of the victim and larceny, damage destruction or vandalism of property, simple assault and intimidation.

CLERY CRIMES (Offense Definitions)

AGGRAVATED ASSAULT: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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.

BURGLARY: The unlawful entry of a structure with the intent to commit a felony or a theft.

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 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 (NYS Education Law §6441). Consent also includes the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of physical or mental condition or the ingestion of drugs or alcohol, or under the age of seventeen (17). Previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of a lack of consent. Consent may initially be given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. "No" or another negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent in such sexual contact.

CRIME OR A PUBLIC OFFENSE: An act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: death; imprisonment; fine; removal from office; or disqualification to hold and enjoy any office of honor, trust, or profit in this State.

DATING VIOLENCE: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE: A felony or misdemeanor crime of violence 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, or who cohabitated with, the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any person against an adult or youth victim who is protected

from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

DRUG ABUSE: Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in the preparation and /or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

SEX OFFENSES:

- **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.
- **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. This offense includes the rape of both males and females. The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her age).
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

HATE CRIME: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. 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; also known as a bias crime.

LARCENY- THEFT: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

LIQUOR-LAW VIOLATION: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages not including driving under the influence or drunkenness.

MURDER AND NON-NEGLIGENT MANSLAUGHTER: The willful (non-negligent) killing of one human being by another.

NEGLIGENT MANSLAUGHTER: The killing of another person through gross negligence.

NON-CAMPUS: Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

PUBLIC PROPERTY: All public property, including thoroughfares, streets, sidewalks and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

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.

STALKING: 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 distress. Examples include but are not limited to, repeatedly following such persons(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.

MOTOR VEHICLE THEFT: The theft or attempted theft of a motor vehicle.

WEAPONS: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

***Source for Clery Crime Definitions: <http://police.albany.edu/ASR.shtml>, <https://www2.ed.gov/admins/lead/safety/handbook.pdf>, The Federal Bureau of Investigation Summary Reporting System User Manual: <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>, The Federal Bureau of Investigation National Incident-Based Reporting System User Manual: <https://ucr.fbi.gov/nibrs/nibrs-user-manual>*

NEW YORK STATE CRIME DEFINITIONS (Offense Definitions) and CLERY VAWA CRIME DEFINITIONS (Consent, Dating Violence, and Stalking)

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 (NYS Education Law §6441). Lack of consent results from: forced compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actors' conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled, or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

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

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

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

FAMILY OR HOUSEHOLD MEMBER: Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in

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

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

SEXUAL ASSAULT: New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program. New York State Law indicates that 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 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 against one or more additional persons; or (3) he or she has previously been subjected to a conviction for a felony or use of a child in a sexual performance.

SEX OFFENSES: LACK OF CONSENT: Whether or not specifically stated, it is an element of every offense defined in this article (Article 130 of the NYS Penal Law) that the sexual act was committed without consent of the victim. Lack of consent results from forcible compulsion or incapacity to consent. Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances.

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

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

21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

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

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

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

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

FORCIBLE TOUCHING: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire or subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions. It includes squeezing, grabbing or pinching.

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

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

17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

SEXUAL ABUSE IN THE SECOND DEGREE: When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

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

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

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

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

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person; (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.

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

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

more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article (Article 130 of the NYS Penal Law).

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, sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

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.

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.

STALKING IN THE FOURTH DEGREE: When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning, or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. "Following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

STALKING IN THE THIRD DEGREE: When a person; (1) Commits the crime of stalking in the fourth degree against three or more persons, 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 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 or stalking in the fourth degree and has previously been convicted in the preceding ten years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE: When a person; (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy club, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sand club, slingshot, slung shot, 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 degree 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 FIRST DEGREE: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime, or commits a class A misdemeanor, or a class E felony, or a class D felony.

***Source for New York State Crime Definitions: NYS Penal Law and <http://system.suny.edu/media/suny/content-assets/documents/generalcounsel/SUNY-VAWA-Guidance-2014.pdf>

Crime Statistics at Albany Medical Center/College: 2022, 2023, 2024

Criminal Offenses – On campus

	2022	2023	2024
Murder /Non-negligent Manslaughter	0	1	0
Negligent Manslaughter	0	0	0
Sex offenses: Forcible	0	0	
Rape	0	0	0
Fondling	1	1	4

Sex Offenses – Non-Forcible

	2022	2023	2024
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	1	0	0
Aggravated Assault	0	13	14
Burglary	0	0	0
Motor Vehicle Theft	2	1	3
Arson	0	0	0

Criminal Offenses – Non-campus buildings or properties.

	2022	2023	2024
Murder /Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses: Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	1
Sex Offenses: Non-Forcible	0	0	

Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	2
Aggravated Assault	0	2	0
Burglary	0	0	0
Motor Vehicle Theft	0	1	0
Arson	0	0	0

Criminal Offenses – On Public Property

	2022	2023	2024
Murder /Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses: Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0

Sex Offenses – Non-forcible

	2022	2023	2024
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Murder /Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0

Sex offenses – Forcible

	2022	2023	2024
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	2	0
Larceny-Theft	0	0	0
Intimidation	0	0	0

Crime

Murder /Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny- Theft	0	0	0
Intimidation	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0

Crime

	2022	2023	2024
Murder /Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	1	0

VAWA Offenses – Non-Campus

	2022	2023	2024
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

VAWA Offenses: On-Campus

	2023	2024	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests- On campus

	2022	2023	2024
Weapons	3	3	1
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests- non-Campus

	2022	2023	2024
Weapons	0	1	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests- Public Property

Weapons	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Disciplinary Actions: On Campus

	2022	2023	2024
Weapons	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Disciplinary Actions: Non-Campus

	2022	2023	2024
Weapons	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Disciplinary Actions: Public Property

	2022	2023	2024
Weapons	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Total Unfounded Crimes

	2022	2023	2024
	0	0	0

APPENDIX A

Albany Medical College's

Nondiscrimination and Harassment Policy and Complaint Procedure

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 College is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty member, or staff member is excluded from fully participating in or denied the benefits of College programs due to discrimination or harassment. For that purpose, the College endeavors to maintain a discrimination and harassment free environment that respects the dignity of each individual.

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.

DEFINITIONS:

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

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 with the victim (such relationship status to be determined based on the statement of the reporting individual and taking into account length of 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.

Domestic Violence: 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 an intimate partner of the victim, by a person with whom the victim shares a child in common, by a person or who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of New York.

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.

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

Reporting Individual: A Reporting Individual is usually an individual filing a complaint of a violation of the College's Sex-Based Misconduct Policy. In some cases, such as where the person involved in the incident does not wish to participate in the process, but the College decides that the alleged misconduct needs to be investigated, the College may serve as the Reporting Individual. In those cases, the College may extend the full rights of the Reporting Individual as defined in this policy to affected parties as deemed appropriate by the Title IX Coordinator or Deputy Coordinator. This may include persons identified as 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 or is affected by a violation of this Policy.

Responding Student: A Responding Student is a student alleged to have violated the College's Student Non- Discrimination and Harassment Policy, and Complaint Procedure.

Retaliation: includes any conduct, whether or not education, workplace or 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.

Sex-based Misconduct: includes the following offenses: Domestic Violence, Dating Violence, Sexual Assault, sexual and gender-based Harassment, sexual exploitation, and Stalking.

Sexual Assault: Sexual assault includes both nonconsensual sexual contact and non-consensual sexual intercourse. As set forth below, this definition 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.

- **Nonconsensual Sexual Contact:** Any intentional touching for purposes of sexual gratification or sexual intent, however slight, of the private body parts of another individual (including genitalia, anus, groin, breast, inner thigh, or buttocks) without Affirmative Consent. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without Affirmative Consent to touch one's own private body part.

- Nonconsensual Sexual Intercourse is any sexual intercourse, however slight, with any object or body part by a person against another person that is without Affirmative Consent and/or by force. Sexual assaults of this type can be sub-defined by the following:
 - 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, or where the victim is incapable of consent due to mental or physical incapacity.
 - Statutory Rape: sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Sexual Exploitation occurs when, without Affirmative Consent, an individual takes sexual advantage of another. Examples of sexual exploitation include but are not limited to:

- invasion of sexual privacy and voyeurism (e.g., observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved).
- taking intimate pictures of another but then distributing the pictures to others without the photographed person's consent.
- engaging in sexual activity with another while knowingly infected with a sexually transmitted diseases without informing the other person of such infection.
- exposing of a person's genitals in non-consensual circumstances.
- Prostituting or soliciting another community member; and
- 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.

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
- Sexual Assault is one form of Sexual Harassment.

Stalking: 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 or right to privacy) 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. Stalking is a type of Sexual Harassment.

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.

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.

Accordingly, all forms of Discrimination, Harassment, Sexual Harassment and Sex-based Misconduct are prohibited.

In addition to their impact on victims, such actions negatively impact the educational and employment environment at the College. Upon learning of these violations and/or crimes, the College will take immediate action to address the facts presented, offer resources to any victims, and take action against any student within the jurisdiction of the College who has been found responsible after a determination according to the process established in this Policy.

This Policy applies to all students, faculty and staff, as well as to visitors, guests, vendors, contractors and other third parties. Conduct and behavior at off-campus activities and programs (e.g., off-campus classes, lectures, athletic events, development activities, alumni events, study abroad, etc.) are regulated by this Policy. The College may act pursuant to this Policy with respect to any behavior regardless of where and in what context it occurs if the conduct has an impact or effect on or poses a risk to the work or learning environment of persons covered by this Policy. Therefore, this Policy may be violated even if the prohibited conduct occurs off-campus or during an employee's or student's or third party's off-duty time.

This Policy applies regardless of the Reporting Individual's or the Respondent's sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability or other status protected by law.

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.

Discrimination and Harassment are unlawful and will not be tolerated. Any individual found to have engaged in such conduct 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.

INDIVIDUAL RIGHTS and RESPONSIBILITIES:

Statement of Student 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 Sex-based 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 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

The College will provide reporting individuals with 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.

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

Reasonable accommodation will be provided for individuals with disabilities when necessary to allow them to fully utilize this Policy (e.g. to make a report, file a complaint, participate in investigatory interviews, and exercise other procedural rights).

Responsibility of Every Student

Students should be aware of the potential for harm from abusive behaviors 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.

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.
- Being intoxicated or impaired by drugs or alcohol is never an excuse for violating this policy and does not diminish one's responsibility to obtain affirmative consent.
- The existence of a dating/romantic relationship between the persons involved or the existence of a previous sexual relationship does not establish Affirmative Consent for future sexual activity.
- Silence is not considered Affirmative Consent.

Drug and/or Alcohol Use Amnesty

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.

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

conduct or 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.

The College reserves the right to provide students with amnesty in other appropriate situations.

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.

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 or harassment 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 or 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.

Confidentiality and Privacy

The College is committed to protecting the privacy of all individuals involved in a report under this policy and to providing assistance to help Reporting Individuals make informed choices. With any report under this Policy, the College will make reasonable efforts to protect the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegation and

reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy:

- **Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, resolution of the report, and related issues. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Even College offices and employees who cannot guarantee confidentiality will maintain Reporting Individuals’ privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed as necessary for the Title IX Coordinator to investigate and/or seek a resolution
- **Anonymity:** can be requested by a Reporting Individual for the conduct of an investigation or judicial process in a manner to provide the Reporting Individual an added degree of protection for their privacy. Requests will be acted on at the sole discretion of the College Title IX Compliance Officer or his designee subject to the limitations identified previously in this Policy. If approved the College will conduct the investigation and judicial process, taking extra care to avoid identifying the Reporting Individual directly or by inference. Granting a request for anonymity affords the Reporting Individual only those protections allowed by the right to Privacy.
- **Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. The College additionally grants institutional confidentiality to our Victim Advocates. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law, or court order.
- **Non-Confidential/Not Private:** Any other College employee who is not designated as a confidential resource under this policy is required to share a report of discrimination or harassment with the Title IX Deputy Coordinator. The Title IX Deputy Coordinator or designee will conduct an initial assessment of the conduct, the Reporting Individual’s desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Reporting Individual or the community. The goal is to eliminate any hostile environment.

All College proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), New York’s Enough is Enough law, and other state and local laws, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

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.

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.

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 Senior Associate 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 internal investigation (not a forensic) 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, Senior

Associate 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.

REPORTING AN INCIDENT OF SEX-BASED MISCONDUCT

Anyone reporting an incident of sexual assault, domestic or dating violence, or stalking has the right to:

- Notify Campus Safety, local law enforcement, or the New York State Police.
- 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 reporting individual and who can provide information, including:
 - Options to proceed, including the right to report to Campus Safety, local law enforcement, and/or the New York State Police, or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College;
 - Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible.
 - That the criminal justice process utilizes different standards of proof and evidence than the College's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney.
 - Whether the person they are reporting to is authorized to offer confidentiality or privacy; and
 - Any other reporting options.
- Disclose the incident confidentially to College representatives, who may offer confidentiality pursuant to applicable laws, and can assist in obtaining services for Reporting Individuals.
- Disclose the incident confidentially and obtain services from the state or local government.
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult with the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with the College's Policy. A Reporting Individual's identity shall remain private if that is what the Reporting Individual wishes. However, privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the College's obligations under the law and its policies and procedures.
- If the accused is a College employee, disclose the incident to Human Resources or request a confidential or private employee assist in reporting to Human Resources.
- Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.

- Withdraw a complaint or involvement from the College process at any time, with the understanding that in appropriate cases, the College may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Sharing information regarding an incident of Sex-Based Misconduct at a public awareness event, such as a candlelight vigil, protest, or other public event, does not constitute notice to the College and will not trigger an investigation under this Policy and Procedure.

Medical Attention and Evidence Preservation

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention. Medical attention is available through Albany Medical Center or at local hospital emergency rooms (listed below). To gain assistance in getting to an emergency room, a victim can call 911 or notify Campus Safety. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections. Communications with medical staff are confidential. Medical staff will not report the incident to the College.

Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the College's investigation process.

Albany Medical Center Hospital Emergency Department

43 New Scotland Avenue, Albany, NY (518) 262-3773

Albany Memorial Hospital Emergency Department

600 Northern Blvd, Albany, NY (518) 471-3221

St. Peter's Health Partners Emergency Department

315 South Manning Blvd, Albany, NY (518) 525-1315

Victim 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 Officer.

Requests for Confidentiality or Declining an Investigation

If a victim of a Sex-based Misconduct discloses an incident 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 members of the College community, including the victim.

If the College honors a request for anonymity or confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In some rare instances, it may be possible for the College to maintain the reporter's identity and still take responsive action, including disciplinary action if appropriate. For example, if any one of a number of individuals experienced or witnessed the conduct, it may be possible for the College to proceed without revealing the name of the person who made the report.

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

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

If the College determines that it cannot maintain a victim's confidentiality or anonymity, the Title IX Coordinator will inform the victim prior to starting an investigation and will, to the extent possible, only share information with the people responsible for handling the College's response and as necessary to conduct a thorough investigation.

The College will remain ever mindful of the Reporting Individual's well-being and will take ongoing steps to protect them from retaliation or harm and work with the student to create a safety plan. Retaliation against the Reporting Individual, whether by students or College employees, will not be tolerated. The College will take the following steps:

- 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.
- 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 alleged perpetrator 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 will not require a Reporting Individual to participate in an investigation or disciplinary proceeding.

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 Responding Student 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 Senior Associate Dean for Academic Affairs
- b) The Associate Dean of 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, the Dean or designee may also issue a no contact order wherein the Responding Student may not contact the Reporting Individual in any manner. Both the Responding Student 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.

Investigation of Sex-based Misconduct

The College will conduct a prompt and thorough internal investigation (not a forensic investigation) of all complaints, either formal or informal. When appropriate, internal investigations will involve law enforcement agencies. 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.

During the course of the investigation, the Reporting Individual and the Responding Student shall each be afforded an opportunity to present his/her version of the event(s) to the Investigator(s) as well as the names of witnesses and any other evidence. The Investigator will have sole discretion to determine which witnesses to interview. Neither the Reporting Individual nor the Responding Student will have the right to question any witnesses or to be present during such questioning. In addition, both the Reporting Individual and Responding Student shall have the right to have their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment excluded from admittance in any investigatory and/or disciplinary proceeding held under this Policy. If either party offers information relating to the other parties' sexual history with one another, the other will have the right to respond.

Efforts will be made to maintain privacy; only people who have a need to know about the incident will be informed, and information will be shared only as necessary with Investigators, the Reporting Individual, witnesses, and the Responding Student.

All members of the College community are encouraged to participate in the investigation process. However, Reporting Individuals and Responding Students may elect not to participate in the investigation process at all or may choose not to be interviewed and only to identify other witnesses and relevant documents. The College will not draw an adverse inference against either party for failing to participate in the investigation process, but the Investigator can only draw conclusions from the information available. So, the failure of one party to present his or her version of events will likely have a substantial impact on the outcome 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

HEARING and RIGHTS OF APPEAL:

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 the Vice Dean of Academic Administration, the Title IX Officer is notified. Cases of sexual misconduct result in the activation of the Disciplinary Hearing Panel. Depending on the issue, the matter can be referred to the Honor Committee for an Honor Code Hearing or to the Disciplinary Hearing Panel Committee for action. The Disciplinary Hearing Panel determines guilt or innocence and if relevant set the sanctions for sexual misconduct cases. The Student Honor Code adjudicates actions or inactions that exhibit a lack of moral judgement which calls into question their fitness for the – practice of medicine or scientific research. Procedures on hearing protocols are laid out in the AMC Honor Code by laws and protocols. 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.

Hearing Process involving allegations of Sex-based Misconduct

Disciplinary Hearing Panel members 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.

Prior to the hearing, the College will provide the Reporting Individual and Responding Student with written or electronic notice of any meeting that they are required to or eligible to attend. The College will provide the Reporting Individual and Responding Student with notice of the date, time, and location of the hearing. The notice will include a summary of the factual allegations concerning the violation, a reference to a specific code of conduct provision that has been alleged to have been violated, and a list of any possible sanctions that the Responding Student may face if he/she is found to be responsible.

- Advisor of Choice- As in all processes at AMC, the Responding Student may have the advice of an advisor of choice including an attorney. In meetings and hearings for accusations of sex-based misconduct, both the Responding Student 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 Responding Student or Reporting Individual but may not participate in the proceedings in any manner
- Timeline for the Process- The timeframe for investigations, hearings, and determinations shall utilize the time frames established above for all cases. In addition, except when circumstances merit a reasonable delay, the College will endeavor to complete the entire process within sixty (60) days. The Responding Student 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 the College. If the Responding Student 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 Student(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 a College official, report to an outside agency or law enforcement, answer questions in a hearing, testify at a hearing, and/or ask questions of other parties within the hearing as established in these Guidelines. The College will not require a Reporting Individual to participate. In certain cases, the College may not have sufficient evidence of a violation to move forward without the participation of the Reporting Individual, while in other cases, the College reserves the right to move forward in the process even without the participation of the Reporting Individual.

Conduct of the Hearing

- The investigators and members of the Disciplinary Hearing Panel (Appendix C) are neutral fact finders who will make a determination of whether there is a preponderance of the evidence that the Responding Student 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 the Responding Student, 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 College 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.
- The College's hearing process will run concurrently with any criminal justice investigation and proceedings that are ongoing (except for temporary delays 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.

Evidence

- Both the Responding Student and the Reporting Individual will have access to evidence in the case file, as determined by the Dean or designee. The Responding Student 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 Responding Student 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 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 Responding Student 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 Responding Student 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 repetitive, harassing or abusive, or if the Chair finds it to be in the interest of the proceeding.

- Both the Responding Student 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 Responding Student of their findings, in writing (whether paper or electronic) and if there is a finding of responsibility, 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.
- Both the Reporting Individual and the Responding Student have the right to appeal the decision of the Disciplinary Hearing Panel. Those rights to appeal apply regardless of the outcome of the investigation and hearing. If a Responding Student is found responsible and files an appeal, 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 Responding Student 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. The appeal panel will not include any individual with a conflict of interest. Both the Responding Student 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. §

All information obtained during the course of the conduct or judicial process will be protected from public release unless otherwise required by law.

The outcome of a conduct or judicial process will not be publicly disclosed or discussed. All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, New York's Enough is Enough Law, and other state and federal laws. No information shall be released from such proceedings except as required or permitted by law and College Policy.

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), the College shall make a notation on the transcript of students found responsible after a conduct process (see above) 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 College while conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." A respondent wishing to appeal the transcript notation of a suspension will appeal to a panel of faculty, staff and students, providing information for removal. The appeals panel will issue a final decision on the appeal. However, 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: Suspension or Dismissal (dependent on the specific findings)
- Stalking: non-academic probation, suspension, or dismissal
- Domestic Violence: suspension or dismissal
- Dating Violence: suspension or dismissal

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.

ENFORCEMENT OF POLICY:

The College's Title IX Coordinator oversees compliance with all aspects of the Sexual and Gender-Based Misconduct Policy. Questions about this policy should be directed to the Title IX Coordinator. 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.

Anyone wishing to make a report relating to discrimination or harassment should report to the appropriate individuals, listed below.

- *Dr. Ann E. Rutter, Senior Associate Dean for Academic Administration, Title IX Compliance Officer, 518-262-5919*
- *Noel Hogan, Senior Vice President and Chief Compliance Officer, Title IX Deputy Compliance Officer, 518-262-4692*

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 B

Albany Medical College Contact Information

****Contact information during office hours. After 5 p.m. and on weekends, please call the AMC operator (518- 262-3111) and ask for the Academic Dean on call.**

		Office/Phone	Office
Clerkships/Directors			
Family & Community Medicine	Annie Rutter, MD/Nora Callinan, MD	25506	TS101
Medicine	Joseph Wayne, MD	25313	R302
Obstetrics & Gynecology	Johanna Bringley, MD	25013	391 Myrtle Ave.
Pediatrics	Leah D'Agostino, MD	20501	A507
Psychiatry	Angelo Potenciano, MD	25511	SCC
Surgery	David Chismark, MD	25733	50 NS-6
Course Directors			
Critical Care	Gary Wu, MD	23991	M828
Emergency Medicine	Emma Furlano, MD	24050	16 NS
Neurology	Matthew Murnane, MD	26488	A1
Primary Care (Family Medicine)	Bryan Dworsky, MD	25506	TS101
Obstetrics and Gynecology	Cassandra Denefrio, MD	45026	16 NS Rm. 244
Primary Care (Medicine)	Abigail Belasen, MD	25313	R302
Primary Care (Pediatrics)	Emily Knuth, MD	25333	A3
Surgery	Rebecca Brocks, MD	25733	50 NS-3
Learning to Teach, LTTL	Annette Grajny, MD	40874	MS-148
Basic Science Department Chairs			
Alden March Bioethics Institute	Nada Gligorov, PhD	26082	R203
Molecular and Cellular Physiology	Harold Singer, PhD	28102	MS419
Regenerative and Cancer Cell Biology	Paula McKeown-Longo, PhD & Paul Higgins, PhD	25651	MS341
Immunology & Microbial Disease	Michael Robek, PhD	25165	ME205

Neuroscience & Experimental Therapeutics	Damian Shin, PhD	25024	MS510
Nurse Anesthesiology	Jodi Della Rocca, MS, PhD	24303	16 NS Ave. Rm. 303
Physician Assistant Program	Nathan Gardner, PA-C	25251	16 NS Ave.
Department Chairs			
Anesthesiology	Melissa Ehlers, MD	24305	U317
Emergency Medicine	Denis Pauze, MD	23773	Massry Children's Emergency Center
Family & Community Medicine	Neil Mitnick, DO	213-0345	Clara Barton Dr.
Medicine	Edward Philbin, MD	28797	R312
Neurology	Panayiotis Varelas, MD	22754	A1
Obstetrics & Gynecology	Rebecca Rogers, MD	25013	16 NS Ave.
Ophthalmology	Edward Wladis, MD	22520	1220 NS Ave.
Pathology	Hwa Jeong Lee, MD & Karl Robstad, MD	25461	C121
Pediatrics	Barbara Ostrov, MD	25333	C614
Psychiatry	Jeffrey Winsman, MD	25511	SCC
Radiology	Gary Siskin, MD	23277	AB121
Surgery	KMarie King, MD	22919	A316
Academic Administration			
Vice Dean for Academic Admin.	Annie Rutter, MD	25919	ME713
Senior Vice President / Chief Compliance Officer	Noel Hogan	24692	22 NS 450

Academic Deans

****Contact Information during office hours. After 5 p.m. and on weekends, please call the AMC Operator (518-262-3111) and ask for the Academic Dean on call.**

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Appendix C

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 D

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 internal investigation (see page 16), with which the accused 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 merit, the Dean or the Dean's designee may convene a disciplinary hearing panel to consider all aspects of the matter. The respondent is entitled to a hearing before a Disciplinary Hearing Panel (DHP) under these circumstances in order to present his or her case. The respondent 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.

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 internal investigation or hearing described here.

In order to derive sufficient information upon which to base a recommendation, the DHP may interview the reporting student, the respondent 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 respondent 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 respondent, sufficient to enable the respondent 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 respondent these guidelines) inform the respondent of the following:

- 1) The respondent has the right to be present at the hearing and is, in fact, expected to be present.
- 2) The respondent 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 respondent but may not interfere with or participate in the proceedings. The respondent'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 respondent 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 respondent 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 respondent 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 respondent 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 respondent's right to further appeal.

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