



SUNY Potsdam Annual Security Report and Annual Fire Safety Report

2026 Report (statistical data for years 2025, 2024, 2023)



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

This edition incorporates SUNY Procedure 6501 and the SUNY Potsdam Title IX Grievance Procedure for Student Respondents, both revised in August 2026.

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

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

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

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

The Student Right-to-Know and Campus Security Act was signed into law in November of 1990. Title II of this act was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain offenses that occurred on the campus, adjacent areas of the campus, and specified campus-controlled property for the previous three calendar years. The purpose of this report is to provide our current and prospective students, faculty, and staff with campus safety information, including crime statistics and procedures to follow to report a crime. This report also complies with the Violence Against Women Act (VAWA) Reauthorization 2013. This document was compiled by University Police and is available on our website at: [Annual Reports & Statistics | SUNY Potsdam](#)

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

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

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

Preparation and Collection of Crime Statistics

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

Distribution

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

Hard copies are available upon request at University Police.

Reporting Locations

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

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

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

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

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

General Campus Information

SUNY Potsdam enrolls a student population of about 2,400 students. The campus employs approximately 533 full-time and about 126 part-time employees. Approximately 900 students reside in our residence halls, while nearly 1500 reside off-campus.

Standard Facility Access

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

Reporting Crimes

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

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

[Incident Reporting | SUNY Potsdam](#)

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

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

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

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

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

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

Safety and Security Responsibility

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

The University Police Department is the law enforcement agency for the campus. In 2016, the SUNY Potsdam University Police Department became a New York State Department of Criminal Justice accredited police agency. Re-accreditation was achieved in June of 2021 and then again in 2026. Officers are vested with full law enforcement responsibilities. All officers must pass a rigorous selection process to be hired and then attend a New York State Department of Criminal Justice (DCJS) approved police academy for basic training certification. University Police Officers are highly trained officers who receive specialized instruction and in-service training in first aid, defensive tactics, legal updates, and other law enforcement topics.

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

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

University Police are a proactive, energetic, and service-oriented police agency. We follow recognized community-oriented police practices and have a Memorandum of Understanding (MOU) with the Potsdam Police Department. This MOU provides for the ability of each Department to assist the other when necessary, including when violent crimes and missing persons are reported from the

campus. Additionally, the Chiefs of both Departments are frequently in contact on a variety of issues and joint projects. The Potsdam Police Department notifies the Office of Student Conduct daily whenever our students are involved in a crime or serious incident.

Campus Safety Advisory Committee

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

Behavioral Evaluation Committee (BEC)

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

Security and Access

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

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

The campus has a video surveillance system that can be monitored at the University Police Dispatch Desk. The system has over 135 cameras on campus that are recorded and can be reviewed when incidents occur. The campus regularly reviews and adds cameras in areas it deems necessary for the safety and security of the campus community.

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

University Police Officers provide 24-hour per day vehicle, bicycle, and foot patrols of campus properties. The public may attend cultural and recreational activities on campus, yet access is limited only to the facilities in which these public events are held. After evening classes/functions and during times when the campus is officially closed, campus buildings are locked, and only faculty, staff, and students with proper identification are admitted. Campus employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

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

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

Residence Life and Housing

The Residence Life staff is a team of individuals who work to provide a safe and secure environment in which resident students can live and learn. Residence halls are overseen by Residence Hall Directors (RD) and Resident Assistants (RA) who are responsible for the overall operation of the hall. They have private offices and are available to assist students with their personal and academic concerns. The Residence Directors and Resident Assistants live in the residence halls so they are available after hours should emergencies occur. Resident Assistants are carefully selected students who are trained in mediation and intervention techniques. They work closely with the residents of their areas to develop a sense of community and to help students adjust to living in college residences.

How to Report

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

Levels of Confidentiality

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

1. **Privileged Communications:** some employees are required to maintain nearly complete confidentiality; talking with them is sometimes called a “privileged communication”.

2. **No Personally Identifying Information:** other employees may talk to a victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosure to these employees will not trigger a college investigation into an incident against the victims' wishes.
3. **Responsible Employees:** These employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

Privileged & Confidential Communications

Professional and Pastoral Counselors

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

Professional and Pastoral Counselors

All members of the Counseling Center, Van Housen Hall, (315) 267-2330

All members of the Student Health Center, Van Housen Hall, (315) 267-2377

External Resources

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

Non-Professional Counselors and Advocates:

Renewal House, 3 Chapel Street, Canton, NY, 13617: (315)379-9845

Citizens' Advocates, 24 Hour Hotline: (315)265-2422

Reporting to Employees

Under the 2020 Title IX regulations, SUNY Potsdam has determined that all employees are mandated reporters. When a victim tells an employee about an incident of sexual harassment, the victim has the right to expect the College to take immediate and appropriate steps to investigate

what happened and to resolve the matter promptly and equitably. An employee must report to the Title IX coordinator all relevant details about the alleged sexual harassment shared by the victim, and the College will need to determine what happened, including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident. To the extent possible, information reported to an employee will be shared only with the people responsible for handling the College's response to the report. An employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to an employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the coordinator of the victim's request for confidentiality. Employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the College to fully investigate an incident. By the same token, employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality

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

Requests for Confidentiality

Title IX Coordinator: (315) 267-2224

Vice President, Chief Diversity Officer: (315) 267-3082

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

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same accused individual;
 - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
 - whether the accused threatened further sexual violence or other violence against the victim or others;
 - whether sexual violence was committed by multiple perpetrators;
 - whether sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;

- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim before starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

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

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

Other Confidential Avenues

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

Take Back the Night and other Public Awareness Events

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

Anonymous Reporting

Anonymous reports can be made in person, by phone, via the RAVE Guardian Safety App, or by the University Police Anonymous Witness Form on our web page at: [SUNY Potsdam anonymous incident reporting form](#)

Crime Prevention Programming

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

- University Police - Services and Overview: A description of the services provided by UPD.
- Operation ID: University Police Officers engrave valuables belonging to students with an identification number that can be traced nationally.
- Personal Safety/Basic Crime Prevention and Tips: This program offers techniques to be utilized to maximize safety in a variety of environments: "situational awareness".
- Domestic Violence/Dating Violence: This program explains domestic and dating violence and indicators of relationships that could become violent.
- ABC Law/Alcohol: An explanation of the NYS Alcohol Beverage Control Law and the effects alcohol has on the human body.
- Orientation: University Police Officers discuss various important aspects of living on a college campus and in a new community. Safety measures and Emergency Notifications and Timely Alerts discussed.
- Sexual Assault Awareness and Prevention: University Police Officers discuss ways to maximize personal safety and avoid situations in which sexual assault could occur.
- Drug Identification and Awareness: This program helps students become aware of and identify illegal drugs.
- Drinking and Driving – Beer Goggles: This very popular program allows students to wear specially designed eyewear simulating the effects of alcohol on the human body.
- Alcohol/Drug Abuse Awareness: University Police Officers discuss the dangers of alcohol and drug use.
- Bicycle Safety and Security: University Police Officers explain New York State and local laws surrounding bicycle use.
- Campus Security Authority training: University Police/ Human Resources explain the obligations of crime reporting to specially designated campus employees.
- Citizens Response to Active Shooter Events: This program teaches citizens how to maximize their safety when dangerous events occur.
- Ride-Along program: Any student may spend a shift with a University Police Officer to observe the duties and role of a campus law enforcement officer.
- Credited Internship Program at University Police Department – 120 hours.

Incident Management Team (IMT)

The College has identified and trained several carefully selected members of the leadership staff to efficiently and appropriately respond to any emergency that could arise or affect the campus. Emergency communications procedures and protocols have been established and are practiced

annually by this group, known as the Incident Management Team (IMT). The composition of this group includes:

- Dean of Students
- Director of Environmental Health, Safety, and Emergency Management
- Chief of University Police and Lt's
- Vice President for Communications
- Vice President for Administration & Human Resources
- Director of Counseling and Student Health Services and staff
- Director of Physical Plant, Director of Facilities
- Director of Residence Life
- Vice President, Chief Diversity Officer
- Provost
- Executive Director of PACES and staff
- College president and staff
- Dean, School of Science and Arts
- Dean, School of Education
- Associate Dean of Students/Director of Campus Life
- Coordinator of Academic Records
- Dean of Crane School of Music
- Computing & Technology staff
- Director of Public Relations

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

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

Evacuation Procedures

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

- **Building Evacuation:** Students, faculty, and staff are trained to evacuate a building when a fire alarm is activated or when directed to do so by appropriate staff. Members of the campus community are trained to leave by the nearest, marked exit and to alert others to do the same. They are additionally trained not to use elevators, to assist others when possible,

and to proceed to a designated assembly space. Further, return to a building is not permitted until authorized by University Police or a campus official.

- Campus Evacuation: Evacuation of all or a portion of our campus will be announced by College Communications using RAVE Alert. All people will be directed where to relocate to.
- Evacuation of Disabled Students: University Police are notified of those members of the college community who would require assistance in evacuating a building. UPD Officers check exit corridors and stairwells for those who may need assistance. Anyone needing assistance evacuating is asked to call University Police as well.

Timely Warning and Emergency Notifications

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

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

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

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

1. Safety Related Issues

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

2. Health Related Issues

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

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

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

For Safety-Related Issues

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

- Email to all students and/or faculty/staff;
- Postings in the Barrington Student Union, Maxcy complex, Crane complex and residence halls, as applicable to the incident. At times, postings can be emailed as attachments to various offices as indicated below;
- Delivery of hard copy notification to all residence halls;
- Posting of notification on University Police Department website [SUNY Potsdam University Police](#) as well as other campus websites;
- SUNY Potsdam RAVE Alert in the case of a critical campus-wide emergency;
- Post to the SUNY Potsdam website: [SUNY Potsdam website](#);
- Social Media outlets
- Students are encouraged to sign up for SUNY Potsdam Rave Alert at: [SUNY Potsdam RAVE emergency alerts](#) to receive emergency notifications.

For Health-Related Issues

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

Possible means of communication are:

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

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

Missing Student Notifications

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

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

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

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

Alcohol and Drugs

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

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

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

Campus Alcohol Regulations

Statement of Purpose

SUNY Potsdam recognizes that a responsible attitude towards the use of alcoholic beverages is a desirable goal and should be encouraged by college policy. These regulations are to act as

guidelines to provide members of the College community with an opportunity to develop a realistic and reasoned approach to alcohol use. They presume adherence to New York State Law and respect for the rights of all others in the College community. It is important to note that college policy does not recognize misuse of alcoholic beverages as an excuse for misconduct of any kind.

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

State and Local Alcohol Regulations

New York State Law

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

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

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

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

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

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

Civil Liability

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

Village of Potsdam

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

General Regulations

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

Regulation of Alcoholic Functions

Campus-wide Regulations

- Reasonable amounts of solid, substantial food and non-alcoholic beverages must be available.
- Availability of alcoholic beverages in PACES leased facilities will be authorized by the Director of Dining Services, or designee, in consultation with the appropriate building administrator. The duration of alcohol service at an event will be determined by the vendor (PACES) as part of their responsibility as a license holder.
- The College reserves the right to charge supervisory fees, cleaning and damage deposits for the use of college facilities. Fees are payable in advance.
- Outdoor functions must be approved by the Director of Student Life Facilities.
- The primary thrust of an activity should not be drinking alcoholic beverages. Advertising should promote a realistic activity, and advertising will be limited to designated, controlled, and appropriate places.
- The number of people attending a function is limited to the legal limit of the area.

Application Procedure: Sale and/or Service of Alcohol

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

Enforcement Procedures

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

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

8. Alcohol

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

10. Drugs

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

22. Greek Life Policies on Alcohol and Other Drugs

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

27. Violation of the Law

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

Sanctions, Temporary and Administrative Directives and Transcript Notes

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

Sanctions

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

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

Verbal Conduct Warning

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

Written Conduct Warning

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

Disciplinary Probation

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

Terminal Disciplinary Probation

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

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

Removal from Residence

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

Deferred Suspension

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Deferred suspension may last from one (1) to eight (8) semesters. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension. Having an active Deferred Suspension status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities.

Disciplinary Suspension

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

Deferred Disciplinary Dismissal

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant dismissal but feels that there are mitigating circumstances that warrant one final chance. Being found responsible for another violation during the period of deferred dismissal, no matter how minor, will result in immediate dismissal. Deferred disciplinary dismissal may last from one (1) to eight (8) semesters. Having an active Deferred Disciplinary Dismissal status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities.

Disciplinary Dismissal

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

Residence Hall or Campus Restriction

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

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

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

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

Restitution

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

Educational Programs & Services

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

Temporary Directives

Temporary Suspension

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

Temporary Removal from Residence or Reassignment

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

Administrative Directives

No Contact Order

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

Cease & Desist

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

Residence Hall or Campus Restriction

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

Transcript Notations

At the conclusion of the appeals process, a student who has been suspended or expelled for any violation of the Student Code of Conduct including but not limited to behavior that leads to the death or serious physical injury of another person, hazing, physical abuse, sexual misconduct, and, per New York State Education Law Article 129B, conduct that constitutes a crime of violence (including but not limited to sexual assault) as defined in the Clery Act will have a permanent notation placed on the student's official college transcript indicating the disciplinary suspension or expulsion. If a student withdraws from the institution while such a disciplinary matter is pending, a transcript notation will indicate that the student withdrew with student conduct charges pending.

SUNY Potsdam uses the following transcript notations:

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

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

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

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

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

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

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

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

Federal Drug Trafficking Penalties

Important: Federal penalties vary based on the exact offense, drug quantity, resulting death or serious bodily injury, qualifying prior convictions, sentencing enhancements, and other circumstances. This summary is educational and is not legal advice.

Specified Drug Quantities

Controlled substance	Schedule	Five-year minimum category	Ten-year minimum category
Cocaine	II	500 to 4,999 grams of a mixture	5 kilograms or more of a mixture
Cocaine base	II	28 to 279 grams of a mixture	280 grams or more of a mixture
Fentanyl	II	40 to 399 grams of a mixture	400 grams or more of a mixture
Fentanyl analogue or fentanyl-related substance	I	10 to 99 grams of a mixture	100 grams or more of a mixture
Heroin	I	100 to 999 grams of a mixture	1 kilogram or more of a mixture
LSD	I	1 to 9 grams of a mixture	10 grams or more of a mixture
Methamphetamine	II	5 to 49 grams actual, or 50 to 499 grams of a mixture	50 grams or more actual, or 500 grams or more of a mixture
PCP	II	10 to 99 grams actual, or 100 to 999 grams of a mixture	100 grams or more actual, or 1 kilogram or more of a mixture

Penalties for Specified Quantities

Penalty category	Five-year minimum category	Ten-year minimum category
No qualifying prior conviction	5 to 40 years. If death or serious bodily injury results: 20 years to life. Maximum fine: \$5 million for an individual or \$25 million for an organization or other non-individual.	10 years to life. If death or serious bodily injury results: 20 years to life. Maximum fine: \$10 million for an individual or \$50 million for an organization or other non-individual.
One qualifying prior serious drug felony or serious violent felony	10 years to life. Maximum fine: \$8 million for an individual or \$50 million for an organization or other non-individual.	15 years to life. Maximum fine: \$20 million for an individual or \$75 million for an organization or other non-individual.
Two or more qualifying prior serious drug felonies or serious violent felonies	10 years to life.	25 years to life.

Other Controlled Substances

Substance and quantity	First-offense maximum penalty	Maximum penalty after a qualifying prior conviction
Any amount of another Schedule I or II controlled substance	Up to 20 years. If death or serious bodily injury results: 20 years to life. Maximum fine: \$1 million individual; \$5 million non-individual.	Up to 30 years. If death or serious bodily injury results: life. Maximum fine: \$2 million individual; \$10 million non-individual.
Any amount of a drug product containing gamma hydroxybutyric acid (GHB)	Up to 20 years. If death or serious bodily injury results: 20 years to life. Maximum fine: \$1 million individual; \$5 million non-individual.	Up to 30 years. If death or serious bodily injury results: life. Maximum fine: \$2 million individual; \$10 million non-individual.
Flunitrazepam, Schedule IV, 1 gram or more	Up to 20 years. Maximum fine: \$1 million individual; \$5 million non-individual.	Up to 30 years. Maximum fine: \$2 million individual; \$10 million non-individual.
Any amount of another Schedule III controlled substance	Up to 10 years. If death or serious bodily injury results: up to 15 years. Maximum fine: \$500,000 individual; \$2.5 million non-individual.	Up to 20 years. If death or serious bodily injury results: up to 30 years. Maximum fine: \$1 million individual; \$5 million non-individual.
Any amount of a Schedule IV controlled substance other than flunitrazepam	Up to 5 years. Maximum fine: \$250,000 individual; \$1 million non-individual.	Up to 10 years. Maximum fine: \$500,000 individual; \$2 million non-individual.
Flunitrazepam, Schedule IV, less than 1 gram	Up to 5 years. Maximum fine: \$250,000 individual; \$1 million non-individual.	Up to 10 years. Maximum fine: \$500,000 individual; \$2 million non-individual.
Any amount of a Schedule V controlled substance	Up to 1 year. Maximum fine: \$100,000 individual; \$250,000 non-individual.	Up to 4 years. Maximum fine: \$200,000 individual; \$500,000 non-individual.

Marijuana, Hashish, and Hashish Oil

Substance and quantity	Penalty without a qualifying prior conviction	Penalty after a qualifying prior conviction
1,000 kilograms or more of a marijuana mixture, or 1,000 or more marijuana plants	10 years to life. If death or serious bodily injury results: 20 years to life. Maximum fine: \$10 million individual; \$50 million non-individual.	One qualifying prior: 15 years to life. Two or more qualifying priors: 25 years to life. Maximum fine: \$20 million individual; \$75 million non-individual.
100 to 999 kilograms of a marijuana mixture, or 100 to 999 marijuana plants	5 to 40 years. If death or serious bodily injury results: 20 years to life. Maximum fine: \$5 million individual; \$25 million non-individual.	10 years to life. Maximum fine: \$8 million individual; \$50 million non-individual.

Substance and quantity	Penalty without a qualifying prior conviction	Penalty after a qualifying prior conviction
50 to 99 kilograms of a marijuana mixture; 50 to 99 marijuana plants; more than 10 kilograms of hashish; or more than 1 kilogram of hashish oil	Up to 20 years. If death or serious bodily injury results: 20 years to life. Maximum fine: \$1 million individual; \$5 million non-individual.	Up to 30 years. If death or serious bodily injury results: life. Maximum fine: \$2 million individual; \$10 million non-individual.
Less than 50 kilograms of a marijuana mixture; 1 to 49 marijuana plants; 10 kilograms or less of hashish; or 1 kilogram or less of hashish oil	Up to 5 years. Maximum fine: \$250,000 individual; \$1 million non-individual.	Up to 10 years. Maximum fine: \$500,000 individual; \$2 million non-individual.

Source and Use Note

Primary legal source: 21 U.S.C. Section 841, Office of the Law Revision Counsel, current through August 17, 2026. DEA scheduling information confirms that fentanyl is a Schedule II controlled substance. Verify statutory information during each annual ASR update because federal law can change.

Accessibility features: Real Word tables, descriptive headings, marked and repeating header rows, no merged cells, no blank data cells, readable contrast, table titles and descriptions, and rows configured not to split across pages

Health Risks

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

Alcohol

- Excessive alcohol use now causes **~178,000 deaths per year** in the U.S. (2020–2021) [monitoringthefuture.orgPBS+9NIAAA+9CDC+9](#), accounting for **~4 million years of potential life lost**, with lives shortened by an average of **24 years** [CDC](#).
- Alcohol-related deaths surged during the COVID-19 pandemic: from **~79,000 in 2019 to 99,017 in 2020**, then to **108,791 in 2021**, slightly easing to **105,415 in 2022** [NIAAA](#).
- In 2022, alcohol-impaired driving caused **13,524 deaths**—the highest since 2008 [NCDAS+15NIAAA+15PBS+15](#), while about **7.1%** of overdose deaths involved alcohol [National Institute on Drug Abuse+10NIAAA+10SAMHSA+10](#).
- From 2012–2022, nationwide alcohol death rates rose **70%**, reaching **13.53 per 100,000** by 2022 [KFF](#).
- Approximately **one in 8 deaths** among adults aged 20–64 is linked to excessive drinking [SAMHSA+15AAMC+15NIAAA+15](#).
- Globally, alcohol accounts for **~2.6 million deaths yearly**, about **4.7% of global deaths** [World Health Organization](#).

Moderate drinking guidelines (Dietary Guidelines for Americans):

Up to **1 drink/day for women, 2 drinks/day for men**. No recommendation for those who don't drink to start.

Health risks arise both immediately (injuries, high-risk behavior, hospital emergencies) and with long-term use, including:

- Hypertension, heart disease, stroke, liver disease, digestive issues
- Multiple cancers: breast, liver, colon, mouth, throat, esophagus
- Cognitive decline, dementia, brain lesions—recent studies link heavy or even moderate drinking to **↑133% risk** of brain lesions and earlier death by **13 years** [The SunEatingWell+1New York Post+1](#)
- Mental health disorders: anxiety, depression
- Social/economic adversity: unemployment, lost productivity
- Alcohol use disorder and dependence

Marijuana

- **≈10%** of users develop dependency; among those starting under 18, it's about **1 in 6** [National Institute on Drug Abuse trends and statistics](#).
- Heavier THC concentrations today increase risks—higher potency means stronger effects on attention, memory, and learning. Methods like dabbing or edibles deliver **very high doses**.
- Smoking marijuana irritates lung tissue and blood vessels; it contains many of the same carcinogens as tobacco and can lead to bronchitis and phlegm—these improve after quitting [National Institute on Drug Abuse](#).
- Heavy or frequent use can cause disorientation, anxiety, paranoia, temporary psychosis, and may be linked to schizophrenia [National Institute on Drug Abuse](#).
- Associations with depression, anxiety, and teen suicide risk exist—but causality is not definitive.

MDMA

- Commonly taken in tablets or powder (often sold as “Molly”), but purity issues exist—may be contaminated with other stimulants (“bath salts”) [aafp.org+5National Institute on Drug Abuse+5NCDAS+5](#).
- Boosts dopamine (energy/reward), norepinephrine (heart rate/blood pressure), and serotonin (mood/trust/sexual arousal) [National Institute on Drug Abuse](#).
- Effects last 3–6 hours; post-use withdrawal can include irritability, depression, sleep issues, anxiety, poor appetite, and low libido [National Institute on Drug Abuse](#).
- High doses may cause dangerous hyperthermia—leading to organ failure or death [National Institute on Drug Abuse](#).

Opioids

- Prescribed opioids are safe short-term but carry a high addiction risk due to a dopamine surge reinforcing use [Mayo Clinic](#).
- Misuse leads to common side effects: drowsiness, confusion, nausea, constipation, slowed breathing; risk of **hypoxia**, brain damage, coma, or death [Mayo ClinicSAMHSA](#).
- Withdrawal can occur within hours: symptoms include severe muscle/bone pain, vomiting, diarrhea, goosebumps, insomnia, strong cravings [SAMHSA](#).
- Overdoses are often fatal—**naloxone (Narcan, EVZIO)** reverses overdose by blocking opioid receptors if administered quickly.

Date-Rape Drugs (Rohypnol, GHB, Ketamine)

- **(Rohypnol (flunitrazepam))**: not U.S.-approved; causes sedation, amnesia, slow breathing/heart rate; risks amplified with alcohol; undetectable for 36 to 72 hours.
- **GHB**: CNS depressant (“liquid ecstasy”); effects include memory loss, nausea, slowed vitals, seizures, coma, especially risky with alcohol; leaves the body in 6 to 12 hours.
- **Ketamine**: causes dissociation, hallucinations, sedation, memory loss, respiratory depression; long-term: bladder/kidney problems, depression, cognitive deficits

DFSA: Ethanol, benzodiazepines, GHB, and ketamine are frequently used to facilitate sexual assault; Rohypnol/GHB is detected in up to ~2% of suspected DFSA cases.

If suspected ingestion occurs, seek medical attention at a sexual assault care provider ASAP—request urine toxicology and save urine if delayed.

Opioid Abuse Education

- Educational programs are offered to students, residence life staff, and new employees to provide an overview of opioid abuse prevention and intervention.

Summary

Across alcohol and drugs, **excessive use leads to serious, often preventable physical, mental, and social harms**. Even “moderate” use may pose greater risk than previously thought, especially with long-term or heavy consumption. Staying informed and seeking help early can significantly reduce risks.

St. Lawrence Health Systems – Alcohol and Other Drug Specialists

20 Cottage Street, Potsdam, NY 13676

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

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

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

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

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

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

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

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

Programs Conducted by the University Police

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

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

Sexual Assault Awareness and Prevention

College Policies and Regulations on Sex Offenses

What is the College's position on sexual assault?

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

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

Code of Student Conduct, Rights and Responsibilities:

Prohibited Conduct (numbers from student code of conduct)

20. Threatening or Abusive Behavior

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

Students cannot justify such behavior as defensive if:

- A. The behavior is a physical response to verbal provocation;
- B. The student can leave the situation, but instead chooses to respond physically;

- C. In circumstances where such actions are punitive or retaliatory

13. Harassment

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

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

28. Intimate Partner Violence

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

A. Dating Violence: 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, and where the existence of such a relationship is determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

B. Domestic Violence: Domestic Violence: Any felony or misdemeanor crimes of violence committed by a person who is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New York; by a person who is cohabitating with or has 21 cohabitated with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.

31. Stalking

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

11. Endangerment

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

30. Sexual Harassment

Sexual Harassment: conditioning the provision of an aid, benefit or service of the institution on an individual's participation in unwelcome conduct, creating an unequal power dynamic in order to access educational programs or activities, or creating a hostile environment based on sex for individuals at the institution.

A. Sexual Harassment 1 (Quid Pro Quo): Any conduct on the basis of sex where an employee conditions the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct.

B. Sexual Harassment 2 (Hostile Environment): Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

I. The degree to which the conduct affected the Complainant's ability to access SUNY Potsdam's Education Program or Activity;

II. The type, frequency, and duration of conduct;

III. The Parties' ages, roles within SUNY Potsdam's Education Program or Activity, previous interactions and other factors about each Party that may be relevant to evaluating the effects of the conduct;

IV. The location of the conduct and the context in which the conduct occurred;

V. Other Sex-Based Harassment in SUNY Potsdam's Education Program or Activity

29. Rape, Sexual Assault and Sexual Exploitation

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

A. Sexual Assault 1 (Rape): 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.

B. Sexual Assault 2 (Criminal Sexual Contact): The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

C. Sexual Assault 3 (Incest and Statutory Rape): Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or sexual intercourse with a person who is under the age of consent in New York State.

D. Sexual Exploitation—Non-consensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and Sexually Transmitted Infection ("STI") prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a

sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; distribution of nonconsensual pornography (revenge porn); and inducing incapacitation with the intent to sexually assault another person.

2025 – The Take It Down Act - [The TAKE IT DOWN Act: A Federal Law Prohibiting the Nonconsensual Publication of Intimate Images | Congress.gov | Library of Congress](#)

"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.

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

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

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

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

What Should I do if I am Assaulted?

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

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

Students' Bill of Rights

The State University of New York and SUNY Potsdam are committed to providing options, support, and assistance to members of our community who are affected by sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender

identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the certain rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad. To view a complete list of all of the rights afforded to students in the *Student Bill of Rights*, please visit: [SUNY Potsdam Sexual Violence Response Policy and Student Bill of Rights](#)

Title IX Coordinator

titleix@potsdam.edu, 315-267- 2224

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

Anonymously at: [SUNY Potsdam witness reporting form](#)

Additional Reporting Locations

- Office of Student Conduct and Community Standards: Barrington Student Union, (315) 267-2579
- College Counseling Center: Van Housen Hall, (315) 267-2330
- Student Health Services: Van Housen Hall, (315) 267-2377
- Canton Potsdam Hospital: 50 Leroy Street, Potsdam, (315) 265-3300
- Potsdam Police Department: 38 Main Street, Potsdam, (315) 265-2121
- Renewal House: 3 Chapel St, Canton, (315) 379-9845

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

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

Survivor Assistance

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

- Sexual Assault and Violence Response (SAVR) Resources: [SUNY SAVR resources](#)
- Although it is never too late to report a sexual attack, reporting as soon as possible is very important.
- As a sexual assault survivor, you have the right to report the incident. Only you can make that decision. We want to ensure you receive the support you need to handle this crisis. We strongly encourage you to file a complaint. The College wants to handle this incident in the best way for you and in a manner that prevents further attacks. Studies show rapists are often repeat offenders and have an average of up to 6 victims. You can help stop the cycle of attacks.
- Survivors may be able to have their academic and living conditions changed.

- We have many resources dedicated to survivors of sexual attacks. Of course, first and foremost, we urge you to contact the University Police as soon as possible.
- The Counseling Center's highly trained staff is always available to help you.
- Resident Assistants and Resident Directors are also always available to help.
- Renewal House, a domestic violence and rape crisis organization, is available at 315-379-9845.
- Citizen Advocates, a 24-hour crisis outreach service, is also available at any time.

Counseling

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

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

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

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

Medical Care

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

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

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

Programming for Preventing Sexual Assault/Awareness on our Campus

- Personal Safety/Basic Crime Prevention and Tips: This program offers techniques to be utilized to maximize safety in a variety of environments.

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

Recommended Sexual Assault Prevention Measures

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

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

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

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

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

Myth #3: Physical assault is always involved with sexual assault. The survivors will have bruises and apparent injuries on their body if they were truly sexually assaulted. Most sexual assaults do not involve a high level of physical violence. Psychological strategies like intimidation, pressuring, emotional blackmail, and the use of threats are the most common techniques used by perpetrators. Most offenders utilize physical force after psychological strategies have failed. Many survivors do not present with bruises, cuts, or torn clothing. They may not look "battered".

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

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

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

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

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

Helping Protect Others – Bystander Interventions

- Respect your partner's decisions. Don't pressure them to go beyond the limits they have set. Listen carefully to your partner and ask for clarification if your partner seems unclear or is giving you a mixed message. If you're not sure your partner wants to engage in a sexual act, ask them!
- Respect the person when he or she says, "no" to sexual activity and comply. **Not hearing the word "no" does not mean "yes" or imply consent has been given.** Be certain you are not going beyond your partner's limits. Once again, asking your partner if they want to have sex is a great way to show them respect and to clarify what they want.
- **If you see someone in a vulnerable position, find a safe way to help.** Don't ignore what you think is a dangerous situation or presume someone else will take care of the problem.
- Alcohol and drugs diminish the ability to make clear and good decisions. **Having sexual contact with someone too intoxicated by any substance to make a good decision is a crime.**
- Be careful in groups. Resist pressure from friends to participate in or be subjected to any act with which you are not comfortable.
- Never make assumptions about a person's behavior. **Never assume a person wants to have sex because they drink heavily, dress in a certain manner, or agree to go back to your room.**
- **Previous consent does not imply current consent.**

How To Protect Yourself Against Sexual Attack

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

- Most rapes on or near college campuses are committed by acquaintances or during some type of date. Although "stranger crimes" can occur, they are very rare on campus and within the community.
- **Students are at the highest risk of unwanted sexual contact during their first few weeks on campus or during their first few weeks living off campus.**
- Determine what you want, and what you don't want, and communicate your personal limits clearly. No one should pressure you into unwanted sexual activity. If you are uncertain about what you want, tell your partner to respect your feelings.
- Know that you have the right to say, "No" at any time and the right to defend yourself against an attacker.
- **Trust your intuition. If you feel uncomfortable leaving or entering a Residence Hall, go to the most public space. Never feel you must hold the door for others to enter a secure Residence Hall. If you feel something is wrong, it likely is. Remove yourself from the situation and get to a safe space as quickly as possible.**
- Be careful with alcohol and drugs. Some people think that a drunk or stoned companion has automatically consented to sex. This is not true. Investigations show alcohol use and abuse are often a component of sexual assault cases.

- Attend parties with friends you can trust. Agree to **“look out for one another”**. Always try to leave with a group rather than alone or with someone you don’t know well.
- If you find yourself alone and uncomfortable on campus, call University Police at 315-267-2222. If you are off campus and alone and uncomfortable, and feel your safety is compromised, call 911.
- Look for danger signals in a dating relationship. If your partner restricts your activities, isolates you from friends, or displays jealous behavior, he or she may become dangerous.
- Talk with your friends about the problem of dating violence. Become conversant with techniques to disrupt degrading jokes about violence and sexuality (Bystander Awareness Training offered by Student Affairs).
- Be alert. Walk with confidence and look others in the eye.
- Carry your car or house/room keys in your hand as you leave or are walking toward your destination.

Safety in the Residence Halls and In Your Apartment

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

Sex Offender Information

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

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

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

Non-Discrimination Notice

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

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

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

Inquiries regarding the application of Title IX and other laws, regulations, and policies prohibiting sex discrimination or regarding the application of ADA may be directed to the Title IX Coordinator at (315) 267-2224 or by email at titleIX@potsdam.edu.

Inquiries about other types of discrimination may be directed to the Chief Diversity Officer at 315-267-3082 or by email at dei@potsdam.edu.

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

SUNY Procedure 6501

Discrimination Complaint Procedure for Non-Title IX Discrimination and Title IX Discrimination (including Title IX sex-based harassment involving employee respondents)

Document number: 6501

Effective date: August 15, 2026

Category: HR / Labor Relations; Legal and Compliance

Responsible office: General Counsel

Applies to: State-Operated Campuses; System Administration

Summary

The State University of New York ("SUNY" or "University") is committed to maintaining a learning and workplace environment free from Sexual Harassment and unlawful Discrimination. In its continuing effort to seek equity in education and employment, and in support of Federal and State anti-discrimination legislation, SUNY has adopted this complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of age, race, creed, color, ethnicity, national origin including shared ancestry and/or ethnic characteristics, religion, sexual orientation, gender identity or expression, military or veteran status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, criminal conviction, arrest record, citizenship or immigration status, gender, pregnancy, pregnancy outcomes, reproductive healthcare and autonomy, or any other characteristic protected by applicable state or federal law. Harassment on the basis of the above protected categories is one form of unlawful Discrimination.

SUNY will take steps to prevent Discrimination and Harassment, to prevent their recurrence, and to remedy their discriminatory effects on the victim(s) and others, if appropriate. Sex discrimination includes Sexual Harassment and sexual and interpersonal violence. Depending on whether the alleged conduct meets the definition found at 34 C.F.R. § 106.30 and the affiliation of the Respondent, it may be addressed under this Procedure or the applicable Campus's Student Title IX of the Education Amendments of 1972 ("Title IX") Grievance Procedure. Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this Procedure is strictly prohibited and may result in disciplinary or other appropriate action.

Applicability

This procedure may be used by any current or former SUNY student or employee, or by any Third Party as defined below, concerning conduct arising from the individual's employment, enrollment, application, or participation in a SUNY program or activity.

Complaints alleging Covered Sexual Harassment involving student Respondents will be investigated and adjudicated in accordance with the applicable Campus Student Title IX Grievance Procedure, rather than under this procedure. Employee grievance procedures

established through negotiated contracts, academic grievance procedures, student disciplinary processes, and any other procedures defined by policy or contract generally operate independently from this procedure, but may be used to implement findings or otherwise address conduct identified through this procedure where appropriate.

For matters that are not required to be investigated and adjudicated in accordance with this procedure or a Campus's Student Title IX Grievance Procedure, the Campus may elect to refer the allegations at the outset of the process to the appropriate Campus office (e.g., student conduct, Human Resources, Title IX) for resolution in accordance with applicable Campus policies and procedures. **Human Resources and/or Employee/Labor Relations must be notified of complaints involving employees at the outset of the processes described in this procedure.**

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

Each Campus must use this procedure unless the Campus receives an approved exception. Requests for an exception, along with a copy of the requesting Campus's proposed Discrimination complaint procedure, must be submitted to the SUNY Office of General Counsel. The request for an exception will be acted upon by the General Counsel (or their designee) after a review of the Campus's proposed complaint procedure.

The Discrimination Complaint Administrator (or designee) ("DCA") on each Campus shall, upon receiving a complaint of alleged Discrimination, inform the Complainant about the complaint process and available resolution options, assist the Complainant in using the complaint form and understanding the nature of the allegations, and provide the Complainant with information about available internal and external filing mechanisms, including applicable filing deadlines.

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

Procedural Tracks:

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

- Section I sets forth the procedures for Discrimination and Harassment complaints not governed by Section II or the Student Title IX Grievance Procedure;
and
- Section II sets forth the procedures for Formal Complaints of Covered Sexual Harassment involving employee Respondents that meet the jurisdictional requirements of Section II.

Note: *Complaints of Covered Sexual Harassment involving student Respondents must be investigated and adjudicated under the applicable Campus Student Title IX Grievance Procedure and not pursuant to the procedures described herein.*

Complaints governed by this Procedure that were filed before August 15, 2026 will continue to be processed under the procedure in effect when the complaint was filed, unless applicable law requires otherwise. Complaints governed by this Procedure that are filed on or after August 15, 2026 will be processed under this Procedure, except as otherwise provided in Section II.

Definitions Applicable to Section I

Capitalized terms used in this Procedure have the meanings assigned to them below. Terms may be used in the singular or plural, as context requires.

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

Complainant is the individual bringing forward a complaint of Harassment, Discrimination and/or Retaliation.

Discrimination Complaint Administrator means the Campus official designated to receive, assess, and administer reports and complaints under Section I of this Procedure. A Campus may designate more than one DCA, as appropriate. Designation as a DCA does not alter any responsibility assigned by law or SUNY policy to a Title VI Coordinator, Title IX Coordinator, ADA/Section 504 Coordinator, or other designated official.

Discrimination is the different treatment of an individual or group based in whole or in part, upon a factor prohibited by law that adversely affects the individual's or group's employment, education, access to or participation in a University program or activity, or other right or privilege protected by applicable law.

Discrimination may also result from failure of the Campus to provide reasonable accommodations to individuals when required due to the individual's disability, religion, pregnancy status, maternity, breastfeeding, transgender status, or sexual violence victim status, among others.

Harassment is a form of Discrimination consisting of oral, written, graphic or physical conduct relating to an individual's protected characteristics that has the effect of subjecting the individual to inferior terms, conditions or privileges of education or employment or interferes with or limits the ability of an individual to participate in or benefit from the University's programs or activities. Such conduct must amount to more than petty slights or trivial inconveniences but need not be severe or pervasive. Such protected characteristics include those listed in the Summary section above and any other characteristic protected by applicable state or federal law.

Interim Measures are steps taken to stabilize the situation, prevent continuing misconduct, support the parties, and protect the integrity of the investigation. Whenever possible, Interim Measures will be structured so they do not disproportionately impact either party. Interim Measures for students may include, but are not limited to, information about how to obtain counseling and academic assistance in the event of sexual assault, and steps to take if the accused individual lives on campus and/or attends class with the complainant. Interim measures involving employees in collective bargaining units should be determined in consultation with the campus Human Resources or Employee/Labor Relations department.

Party means a Complainant or Respondent.

Respondent is the individual or entity against whom a complaint has been filed. When a complaint is made against a group or entity, the Campus shall identify an appropriate representative to act on behalf of the Respondent.

Retaliation is an adverse action taken against an individual as a result of complaining about or providing information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being discharged, disciplined, academically disadvantaged, discriminated against, subjected to harassment or intimidation, or otherwise subject to adverse action because the individual reports discrimination or participates in an investigation under this procedure.

Third Party means any person who is not a SUNY student or employee but who is participating in, attempting to participate in, or otherwise interacting with a SUNY-sponsored program or activity, including applicants for admission or employment, interns, volunteers, contractors, vendors, visitors, and other persons conducting business with SUNY.

Definitions Applicable to Title IX Sexual Harassment

Actual Knowledge means notice of Covered Sexual Harassment or allegations of Covered Sexual Harassment to the institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the Campus. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the institution with actual knowledge is also the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Campus.

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

Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute Covered Sexual Harassment as defined under this procedure.

Consent means a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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.

Additionally:

- 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 a 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.

Covered Sexual Harassment means any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity (i.e. hostile environment harassment). In evaluating whether a hostile environment exists, the institution will consider a number of factors, including, but not limited to: the frequency, nature, and severity of the conduct; whether the conduct was physically threatening; the effect of the conduct on the Complainant's mental or emotional state; how the conduct affected the terms, conditions or privileges of employment or education; whether the conduct was directed at more than one person; whether the conduct arose in the context of other discriminatory conduct; whether there is a power differential between the parties; and whether the conduct implicates concerns related to academic freedom or protected speech;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. This includes the forcible sex offenses of rape and criminal sexual contact and the non-forcible sex offenses of incest and statutory rape. The applicable offenses are defined below:
 - a. 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;
 - b. Criminal Sexual Contact: the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation, or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation;
 - c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - d. Statutory rape: sexual intercourse with a person who is under the age of consent in New York State.
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

5. Domestic violence (as defined in the VAWA amendments to the Clery Act and the Violence Against Women Act (VAWA) Reauthorization of 2022), which includes any felony or misdemeanor crimes of violence committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New York, (B) who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited and subject to discipline under other campus policies, procedures, or contractual obligations.

Education Program or Activity means locations, events, or circumstances over which the Campus exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and includes:

- any on-campus premises;
- any off-campus premises that the Campus has substantial control over, including buildings or property owned or controlled by a recognized student organization; and
- activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operation of the Campus's programs and activities over which the Campus has substantial control.

Employee Title IX Grievance Process means the procedures in Section II of this Procedure for Covered Sexual Harassment Complaints Involving Employee Respondents.

Formal Complaint means a document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, including using official campus email addresses, or signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent about conduct within the Campus's education program or activity, and requesting initiation of the grievance procedures to investigate the allegation of Sexual Harassment.

Party means Complainant or Respondent.

Relevant Evidence and Questions means any questions and evidence that tend to make an allegation of Covered Sexual Harassment more or less likely to be true. Relevant evidence is evidence that is available in a particular case that can be evaluated objectively. Relevant evidence includes, without limitation, the Parties' own statements, statements of witnesses, or other available evidence, including documentary and video evidence provided. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Employee Title IX Grievance Process:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

- They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any Party's medical, psychological and similar records unless the party has given voluntary, written consent.

Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute Covered Sexual Harassment as defined under this Procedure.

Student Title IX Grievance Procedure means the applicable Campus procedure for Covered Sexual Harassment complaints involving student Respondents.

Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Campus's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Campus's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Campus must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Campus to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

I. Procedures for Discrimination and Harassment Complaints Not Governed by Section II or the Student Title IX Grievance Procedure

This procedure provides a mechanism through which Campuses may identify, respond to, and prevent incidents of illegal discrimination. SUNY recognizes and accepts its responsibility in this regard and believes that the establishment of this internal grievance process will benefit students, faculty, staff, and administration, permitting investigation and resolution of violations of law or policy. All Parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation. Failure to do so may compromise the integrity of the investigation or cause delays. All members of the campus community are expected to cooperate with this procedure.

SUNY will keep investigations confidential to the extent possible. During any portion of the procedures detailed hereafter, neither the Complainant, Respondent(s), nor any witnesses shall employ audio or video taping devices.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action up to and including termination or expulsion. Participants who experience Retaliation should contact the Campus DCA (or designee) or other appropriate official and may file a complaint pursuant to this procedure.

Unless prohibited by applicable law, SUNY will comply with law enforcement requests for cooperation, and such cooperation may require the campus to temporarily delay the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The Campus will resume its investigation as soon as law enforcement notifies it that such investigation will not interfere with the criminal investigation or prosecution. The Campus will implement appropriate Interim Measures during the law enforcement agency's investigation to provide for the safety of the victim(s) and the campus community.

If a parallel or overlapping complaint has been filed with an outside enforcement agency (e.g., SDHR, ED OCR, HHS OCR, EEOC), the Campus may modify the deadlines and process described in this procedure to avoid interference with that agency's investigation. If litigation is initiated, the Campus may pause or continue the investigation in a manner that avoids conflict with litigation counsel, court procedures, and judicial rulings.

Consultation and Review

Any student, employee, or Third Party may consult with the DCA regarding potential Discrimination or Harassment. This initial contact may occur by telephone, email, videoconference, or in person.

The DCA will respond to all such inquiries, reports, and requests as promptly as possible and in a manner appropriate to the circumstances. The DCA's response may include Interim Measures to protect the Parties during the investigation process and information on filing a complaint using this procedure and/or with an outside enforcement agency.

Administrators, managers, and supervisors must immediately refer to the DCA any complaint or concern regarding potential Discrimination or Harassment that is reported to them or that they observe or otherwise become aware of.

Time Limitations for Filing a Complaint Under Section I

Reports of Discrimination, Harassment, or Retaliation may be made at any time by any person and should be made as promptly as practicable. A Complainant seeking a formal investigation under this Procedure ordinarily should file within **one year** after the most recent alleged act of Discrimination, Harassment, or Retaliation.

In instances involving a complaint by a student against a faculty or staff member arising from a supervisory, evaluative, teaching, advising, thesis or dissertation supervision, coaching, clinical supervision, or similar relationship, a complaint ordinarily may be filed until one year after that relationship ends or three years after the most recent alleged act, whichever is earlier.

The DCA may accept a complaint filed outside the applicable period for good cause or when the Campus determines that review is otherwise warranted. Relevant considerations may include the nature and severity of the allegations; any ongoing effects or continuing conduct; evidence of a pattern; whether the alleged conduct arose in a supervisory, evaluative, or other relationship involving authority over the Complainant; circumstances affecting the Complainant's ability to file earlier; institutional safety or compliance concerns; and the availability of relevant evidence.

Delay may limit the Campus's ability to investigate the allegations, make findings, impose discipline, or provide particular remedies, but it does not prevent the Campus from reviewing the

information and taking other appropriate action. Filing a complaint under this Procedure does not extend any deadline for filing with an outside agency or court.

Conflicts of Interest

In the event that the DCA cannot conduct an investigation due to a conflict of interest, the Campus will ensure that the report of discrimination is investigated by individuals with experience and training in discrimination compliance.

Filing and Processing of Complaints

The DCA who receives any complaint of alleged discrimination shall:

- 1) Inform the complainant about the complaint process and other internal options to resolve the issue;
- 2) Assist the complainant in the use of the complaint form; and
- 3) Provide the complainant with information about various external agencies with which the complaint may be filed, including where to find applicable time limits for filing with each agency.

Although in limited circumstances, verbal complaints may be acted upon, the procedures set forth here rest upon the submission of a written complaint submitted by paper or electronically that will enable there to be a full and fair investigation of the facts.

All complaints must be submitted on the forms provided by the Campus (see Forms below). A Campus may use a local form that differs from Form A below, provided that the local form includes at least all the required fields that are in Form A.

As soon as reasonably practicable after the filing of the complaint, the DCA will provide a copy of the complaint, along with a copy of this procedure, to the Respondent(s).

Informal Resolution

No party will be required to participate in informal resolution, and the Campus may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The DCA may attempt to resolve the underlying issue with the agreement of Complainant and Respondent. The time limitations for investigating a complaint shall be tolled (paused) during the pendency of the informal resolution process. Any party or the DCA may elect to end the informal resolution process and proceed to the formal resolution procedure at any time after the Charge of Discrimination form is filed. If the Respondent is an employee, the campus human resources or employee/labor relations office must be involved prior to the DCA making any attempts to informally resolve the complaint.

If a resolution satisfactory to both the complainant and the respondent is reached, the DCA shall close the case, sending a written notice to that effect to the complainant and respondent(s). The written notice, a copy of which shall be attached to the original complaint form in the DCA's file, shall contain the terms of any agreement reached by complainant and respondent, and shall be signed and dated by the complainant, the respondent(s) and the DCA. (See Form B below)

If the DCA is unable to resolve the complaint to the mutual satisfaction of the Complainant and Respondent(s), the DCA shall notify the parties and initiate the investigation process.

Formal Investigation and Resolution

The formal complaint proceeding is commenced by the filing of a complaint form as described above and/or by a Party's decision to discontinue the informal resolution process. The outcome of the process is a report describing the relevant evidence and making findings.

The investigatory process is guided by the need to balance the need to remedy unlawful Discrimination and Harassment with principles of fairness, due process, and confidentiality. Accordingly, Parties to an investigation are afforded the following rights and protections:

- SUNY will maintain the confidentiality of discrimination reports to the fullest extent possible and requests the same of Parties to the investigation and third-party witnesses. Records of conversations with parties or witnesses will not be released outside of the Campus unless required by law (e.g., outside investigation, FERPA, FOIL), court order, or as needed to pursue available remedies such as student/employee discipline.
- The Respondent is entitled to due process, including knowledge of the specific allegation(s) and an opportunity to respond prior to imposition of sanctions or an adverse employment or education action. No finding or presumption of wrongdoing will be made absent factual evidence that supports the finding.
- Complainants and Respondents will each have notice of the evidence presented during the investigation, as well as an opportunity to explain and respond to the evidence. The investigator will keep the Parties informed of the progress of the investigation and any actions taken that may affect their rights.
- Individuals are protected against retaliation for reporting discrimination or participating in an investigation. If an individual feels that any negative action has been taken as a result of reporting discrimination or participating in a complaint investigation, this allegation will be investigated separately.

At the outset of any complaint, the DCA must consult with the human resources and/or employee/labor relations office if the Respondent is an employee. In conducting investigations, the DCA will consider relevant laws, policies and procedures, documentation, and information obtained from the complainant, respondent(s), and third-party witnesses. The standard of proof in complaints made under this Procedure is a preponderance of the evidence (more likely than not) regardless of whether or not the allegations would also constitute a crime. The timeframe for investigating a report of discrimination will depend upon the complexity of the investigation **but should not exceed sixty days absent good cause as determined by the DCA**. At the conclusion of an investigation, the DCA will reduce their findings to a written report, including findings of fact and a determination as to whether the preponderance of the evidence supports a finding that a violation of law or policy occurred.

Potential Outcomes of the Investigation of a Complaint

- The matter is resolved between the Parties and no other issues require campus involvement;

- The Complainant elects to withdraw the complaint or requests that there be no further investigation, and there are no other factors which require continuation of the investigation;
- There is insufficient evidence to support a finding of a violation of the SUNY and/or Campus policies against Discrimination and Harassment;
- The preponderance of the evidence supports a finding of a violation of the SUNY and/or Campus policies against Discrimination and Harassment.

The parties to a complaint will receive notice of the outcome of the investigation.

When the evidence supports a finding that a violation of law or policy occurred, the DCA may recommend appropriate action to the Campus president (or designee) to remedy such violation(s). If the Campus president is the Respondent, the findings and recommendation shall be submitted to the SUNY Chancellor (or designee), who will act in place of the Campus president.

- For employees (including student employees) not in a collective bargaining unit:* The president (or designee) may take such administrative action as they deem appropriate under their authority as the chief administrative officer of the campus, including but not limited to, termination, demotion, reassignment, suspension, reprimand, or training.
- For students:* The president (or designee) may determine that sufficient information exists to refer the matter to the student conduct office or another appropriate disciplinary body for review and appropriate action under the applicable student conduct code. The potential outcomes may include reprimand, suspension, expulsion, or restriction of access to educational courses or activities.
- For employees in collective bargaining units:* The president (or designee) may determine that sufficient information exists to refer the matter to their designee for disciplinary action, or other action as may be appropriate under the applicable collective bargaining agreement. Potential outcomes of that process may include a reprimand, suspension, termination, training, fine, demotion, or informal or formal counseling.

The action of the Campus president (or designee) shall be final unless further proceedings under the student code of conduct or applicable collective bargaining agreement are implicated. If the Campus president is the respondent, the Chancellor (or designee) shall issue a written statement indicating what action the Chancellor (or designee) proposes to take. The decision of the Chancellor (or designee) shall be final for purposes of this discrimination procedure.

Notice of Outcome

Following final determination and/or action, the president (or designee) shall issue a letter to the Complainant and to the Respondent(s) advising them that the matter, for purposes of this discrimination procedure, is closed. In cases of sex discrimination, the notice of outcome will include the sanctions, as appropriate.

II. Procedures for Covered Sexual Harassment Complaints Involving Employee Respondents

General Rules of Application

Effective Date

This Employee Title IX Grievance Process applies to incidents that occur on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this Title IX grievance process, or the invalidated elements of this Title IX grievance process, those elements will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should this Title IX grievance process be revoked in this manner, any conduct covered under this process shall be investigated and adjudicated under Section I of this Procedure or the employee disciplinary process described in the collective bargaining agreement, as appropriate.

Scope of Procedure

SUNY Campuses have adopted a grievance procedure for the prompt and equitable resolution of Formal Complaints alleging Covered Sexual Harassment made by persons, including students and employees, who are participating or attempting to participate in a SUNY Campus's Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Title IX's prohibition on sex discrimination includes Covered Sexual Harassment in the form of quid pro quo harassment, hostile environment harassment, and four specific offenses (sexual assault, dating violence, domestic violence, and stalking). For the prompt and equitable resolution of Formal Complaints alleging Covered Sexual Harassment involving a student Respondent, the campus will utilize the Campus's Student Title IX Grievance Procedure.

Non-Discrimination in Application

The requirements and protections of this Employee Title IX Grievance Process apply equally regardless of sex, sexual orientation, gender identity, gender expression or other protected classes covered by applicable federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a complainant, respondent, or witness. Individuals who wish to file a complaint about this policy, procedure, or process may contact the U.S. Department of Education's Office for Civil Rights ("ED OCR").

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020

Fax: 202-453-6021
TDD: 800-877-8339
Email: OCR.DC@ed.gov

For complaints involving health care services, hospitals, or other programs or activities subject to the jurisdiction of the U.S. Department of Health and Human Services, including complaints that may fall under Title IX, individuals may also contact the Office for Civil Rights, U.S. Department of Health and Human Services (“HHS OCR”):

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
Telephone: 1-800-368-1019
TDD: 1-800-537-7697
Email: OCRMail@hhs.gov

Confidentiality

This grievance procedure is intended to protect the confidentiality of parties and witnesses during the Title IX process, while also promoting the Campus’s ability to meet its Title IX obligations, consistent with constitutional and other due process protections. The Campus will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the outcome of any investigation, hearing, or judicial proceeding arising thereunder. The Campus will limit the sharing of information to the extent permitted by law. Federal and state laws, rules, and regulations, including New York’s Freedom of Information Law, may require disclosure in some circumstances.

The Campus will take reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the grievance procedure, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this grievance procedure. A Formal Complaint will require that the institution share the identity of a Complainant with the Respondent and the Parties’ advisors, as well as relevant institutional employees who are assisting with the investigation or adjudication of the Formal Complaint.

Private vs. Confidential Resources

Several identified institutional offices will maintain the confidentiality of all reports, meaning those offices have the ability to not report crimes and violations to law enforcement or Campus officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. Reports to confidential resources will not generally trigger an institutional investigation or remedy.

Below are the institutional offices/officials identified as confidential for Title IX purposes, who will not report to law enforcement or Campus officials without a Complainant's permission, except for extreme circumstances:

- Off-campus victim advocacy centers (if applicable);
- Campus medical and licensed mental health providers; and
- Religious officials who receive reports when in their ministerial capacity.

All other institutional offices and employees will maintain the *privacy* of reports of Covered Sexual Harassment to the greatest extent possible but cannot guarantee confidentiality. Information disclosed to these private resources will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues.

A Campus may appropriately designate others beyond this list as confidential resources. If a Campus designates additional confidential resources, it must identify those resources in writing and clearly display that information on its website as part of its Title IX information.

Making a Report Regarding Covered Sexual Harassment to the Campus

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

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Campus's Title IX Coordinator. For confidential reporting resources that will not forward a report to the Title IX Coordinator, please reference the preceding section, titled "Private vs. Confidential Resources."

Non-Investigatory Measures Available Under the Employee Title IX Grievance Process

Supportive Measures

Complainants who report allegations that could constitute Covered Sexual Harassment under this Procedure have the right to receive Supportive Measures from the Campus regardless of whether they desire to file a Formal Complaint. Supportive Measures are non-disciplinary and non-punitive.

Administrative Leave/Alternate Assignment

The Campus retains the authority to place a non-student employee Respondent on administrative leave or alternate assignment, for the duration of the Employee Title IX Grievance Process, consistent with the relevant collective bargaining agreement. The Campus Human Resources/Employee Relations office will maintain responsibility for placing employees on administrative leave or alternate assignment.

Alcohol and/or Drug Use Amnesty

The health and safety of every student at the Campus is of utmost importance. The Campus 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 Campus strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials.

A bystander or reporting individual who acts in good faith and discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the Campus's officials or law enforcement will not be subject to the Campus's code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Disability Accommodations

This Employee Title IX Grievance Process does not alter any institutional obligations under applicable federal and state disability laws, including the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the New York State Human Rights Law. Parties may submit requests for reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during this Employee Title IX Grievance Process. Requests will be evaluated in consultation with the appropriate Campus office, and accommodations may be provided where they do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

The Employee Title IX Grievance Process

Filing a Formal Complaint

The timeframe for this grievance procedure begins with the filing of a Formal Complaint. The grievance procedure will be concluded within a reasonably prompt timeframe, after the filing of the Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Complaintant must provide the Title IX Coordinator with a written, signed Formal Complaint describing the facts alleged. A Complaintant may file a Formal Complaint under this Employee Title IX Grievance Process only if they are currently participating in, or attempting to participate in, the Campus's Education Program or Activity, including as an employee. For Complaintants who do not meet these criteria, the Campus will utilize existing policy and/or procedure in the Student Code of Conduct and/or the employee disciplinary process as described in the collective bargaining agreement, or other Campus policies and/or procedures, as applicable to the Complaint received.

If a Complaintant does not wish to file a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary and sign one. If so, the Campus will inform the Complaintant of this decision in writing. The Complaintant need not participate further in the process but will receive all notices issued under this Employee Title IX Grievance Process. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become a Complaintant or Party to the Employee Title IX Grievance Process.

Nothing in any Campus policy or procedure, including this grievance procedure, precludes the Complaintant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Initial Assessment

Upon receipt of a report by a Complainant of alleged prohibited conduct by an employee, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. The steps in an initial assessment vary based on whether the identity of the Complainant is known.

In the initial assessment and meeting or correspondence with the Complainant, the Title IX Coordinator will:

- Assess the Complainant's safety and well-being and offer the Campus's support and assistance through available resources;
- Inform the Complainant that the Title IX Coordinator will maintain the Complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to this procedure;
- Inform the Complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence, where applicable;
- Inform the Complainant of their right to contact law enforcement, be assisted by Campus officials in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the Complainant that the criminal justice system uses different standards of proof and evidence than this procedure and that any questions about whether the reported prohibited conduct constitutes a penal law violation should be addressed by law enforcement;
- Inform the Complainant about Campus and community resources, including counseling, health, and mental health services; victim advocacy; procedural advocacy; legal resources; visa and immigration assistance; student financial aid; and other resources both on campus and in the community, and how to request or contact such resources;
- Inform the Complainant of the right to seek appropriate and available Supportive Measures and how to request such measures and consider the Complainant's wishes with respect to Supportive Measures with or without the filing of a Formal Complaint;
- Ensure the Complainant is aware of their right to an advisor;
- Inform the Complainant of the right to file a Formal Complaint and seek resolution under this procedure; provide the Complainant with an overview of this procedure, including Supportive Measures; and inform the Complainant of the right to withdraw a Formal Complaint at any time prior to resolution and to decline or discontinue resolution under this Procedure at any time, including that declining to participate in an investigation and/or hearing under these procedures may limit the Campus's ability to investigate meaningfully and respond to a report of prohibited conduct;
- As possible and appropriate, ascertain the Complainant's preference for pursuing a Formal Complaint, Supportive Measures, or neither under this procedure, and discuss with the Complainant any concerns or barriers to participating in any investigation and resolution process under this procedure;
- Explain that the Campus prohibits retaliation, that retaliation constitutes prohibited conduct under this procedure, and that the Campus will take appropriate action in response to any act of retaliation;
- Inform the Complainant of their rights afforded under the Student Bill of Rights, if applicable;

- Communicate with appropriate Campus officials to determine whether the report triggers any Clery Act obligations, including the issuance of a timely warning or emergency notification, and take steps to meet those obligations; and
- Notify the Campus office of Human Resources/Employee Relations that a complaint against an employee has been received.

Determining Jurisdiction

The Title IX Coordinator or designee will determine if this procedure should apply to a Formal Complaint. This procedure will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator, in consultation with the Campus designee for Human Resources:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in the Campus's Education Program or Activity; and
4. The alleged conduct, if true, would constitute Covered Sexual Harassment as defined in this Procedure.

If all of the elements are met, the Campus will investigate the allegations according to this procedure.

Jurisdiction at Academic Medical Centers

SUNY includes a number of hospitals and Academic Medical Centers (AMCs), which are covered by this grievance procedure when the reported conduct falls within SUNY's Education Program or Activity and otherwise meets the jurisdictional requirements of this procedure.

There are some activities and operations at an AMC that are likely to be outside the scope of Education Programs or Activities (e.g., purely clinical employment matters with no meaningful education nexus and no "substantial control" in an education context). Allegations of Covered Sexual Harassment occurring at an AMC outside the scope of its Education Program or Activity may be processed under Section I of this Procedure.

Multi-Party Situations and Consolidation of Complaints

The Campus may consolidate Formal Complaints alleging Covered Sexual Harassment against more than one employee Respondent, or by more than one Complainant against one or more employee Respondents, or by one Party against the other Party, where the allegations of Covered Sexual Harassment arise out of the same facts or circumstances.

Allegations Potentially Falling Under More Than One Policy or Procedure

If the alleged conduct, if true, includes conduct that would constitute Covered Sexual Harassment and conduct that would not constitute Covered Sexual Harassment, this Title IX grievance procedure will be applied in the investigation and adjudication of all the allegations.

Mandatory Dismissal

The Campus will investigate the allegations in a Formal Complaint. If the conduct alleged in the Formal Complaint would not constitute Covered Sexual Harassment, even if proved; did not occur in the Campus's Education Program or Activity; or did not occur against a person in the United States, then the Campus must dismiss the Formal Complaint regarding that conduct for purposes of Covered Sexual Harassment. Such a dismissal does not preclude action under the employee

disciplinary process as described in the applicable collective bargaining agreements, or other appropriate action based on Campus policy and/or procedures. Each Party may appeal a dismissal using the procedure outlined in “Appeals” below.

Discretionary Dismissal

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under this procedure, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The Respondent is no longer employed by the Campus; or
- Specific circumstances prevent the Campus from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal determination using the process set forth in “Appeals” below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint and the reason for the dismissal, simultaneously to the Parties through their Campus email accounts. It is the responsibility of Parties to maintain and regularly check their Campus email accounts.

When a Formal Complaint is dismissed, the Campus will, at a minimum, offer Supportive Measures to the Complainant as appropriate and to the Respondent as appropriate (if the Respondent has been notified of the allegations), and take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the Campus’s Education Program or Activity.

Notice of Removal

Upon dismissal for the purposes of Title IX, the Campus retains discretion to utilize Section I of this Procedure or the employee disciplinary process, as appropriate, to determine if a violation of one or more of those policies and/or procedures has occurred. If the Campus refers the allegations to another process, it will promptly provide written notice that the Formal Complaint has been dismissed and that the allegations have been removed from that procedure and referred to the other applicable process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to each Party to the alleged Sexual Harassment. Such notice will occur as soon as practicable upon receipt of a Formal Complaint, if there are no extenuating circumstances.

The Parties will be notified through their Campus email accounts if they are a student or employee and by other reasonable means if they are neither.

The Campus will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint will be dismissed on the grounds identified above and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of Sexual Harassment identified in the Formal Complaint will

receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of this procedure and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting Covered Sexual Harassment and sufficient details known at the time the notice is issued, such as the identities of the Parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting Covered Sexual Harassment; and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of this grievance procedure.
- A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Campus does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source;
- Students are prohibited from knowingly making false statements or knowingly submitting false information during this process as provided in the Student Code of Conduct.

Ongoing Notice

If, during an investigation, the Campus decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and would otherwise constitute Covered Sexual Harassment and fall within this Employee Title IX Grievance Process, the Campus will notify the Parties whose identities are known of the additional allegations through their institutional email accounts or other reasonable means. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

Advisors of Choice

The Campus will provide the Parties equal access to advisors and support persons and will not limit the choice or presence of an advisor for either Party. Any restrictions on advisor participation will be applied equally.

Individuals participating as Complainant or Respondent in this procedure may be accompanied by an advisor of choice to any meeting or hearing to which they are required or are eligible to attend. The advisor of choice is not an advocate. Except where explicitly stated by this procedure, advisors of choice shall not participate directly in the process consistent with standard Campus policy and practice, except for required cross-examination by such advisor during a live hearing. The Campus may establish Rules of Decorum and otherwise establish restrictions regarding the extent to which advisors may participate in the proceedings.

An employee Respondent subject to a collective bargaining agreement has the right to appoint their applicable union representative as their advisor of choice. If such employee Respondent chooses to have an advisor of choice that is different from and in addition to their applicable union

representative, the Complainant will be notified and allowed to have an additional advisor of choice or support person during this procedure.

The Campus will not intentionally schedule meetings or hearings on dates when the advisors of choice for all Parties are not available, provided that the advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules within a reasonable timeframe.

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

Notice of Meetings and Interviews

The Campus will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all hearings, investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

For employee Respondents, all meetings, hearings, and investigative interviews are voluntary and are not considered an interrogation under the applicable collective bargaining agreements. The employee Respondent is responsible for providing any notifications to appropriate union representation.

Investigation

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator, in conjunction with the designee from Human Resources, will perform an investigation of the conduct alleged to constitute Covered Sexual Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations. The investigation will generally include individual interviews of the Complainant, the Respondent, and relevant witnesses. The Parties may submit in writing the names of witnesses they would like the investigator to interview and proposed questions or topics for the investigator to address with witnesses or either Party. The investigator has the discretion to determine the relevance of any proffered witnesses, and, accordingly, the investigator will determine which witnesses to interview.

The Campus, and not the Parties, has the burden of proof and the burden of gathering evidence sufficient to reach a determination, i.e., the responsibility of showing a violation of this procedure has occurred. This burden does not rest with either Party and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the Campus and does not indicate responsibility.

The Campus cannot access, consider, disclose, or otherwise use a Party's medical records without voluntary, written consent from the individual to whom the records belong or about whom the records contain information. The Campus will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e. evidence that tends to prove and disprove the allegations) as described below.

All deadlines and time requirements in this procedure may be extended for good cause as determined by the Title IX Coordinator or their designee. The Respondent and the Complainant, as well as their advisors, will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event. Extensions requested by one party will not typically be longer than five (5) business days.

Inspection and Review of Evidence

Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation in an electronic format or a hard copy. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation. The Parties will have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Evidence that will be available for inspection and review by the Parties will be any evidence that is relevant or directly related to the allegations raised in the Formal Complaint. It will include:

1. Evidence that is related, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

Except as provided under “Newly Discovered Evidence” below, all Parties must submit any evidence they would like the investigator to consider before the Parties’ time to inspect and review evidence begins.

The Campus will provide each Party and the Party’s advisor, if any, with the evidence made available for inspection and review. The Campus is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

Any evidence deemed relevant after inspection and review will be available at any hearing, including for purposes of cross-examination.

The Parties and their advisors must sign an agreement that evidence made available by the Campus for inspection and review, including evidence made available at the hearing, and any recording or transcript of the hearing may not be disseminated or used for any purpose unrelated to this Employee Title IX Grievance Process. Once signed, this agreement may not be withdrawn. Nothing in this restriction limits a Party’s ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Parties and their advisors must not photograph or otherwise copy the evidence, except as otherwise permitted by the Campus or applicable law.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to or Relevant to the allegations in the Formal Complaint will be included in the appendices to the investigative report. These appendices will be made available exclusively to both Parties unless an appeal is filed.

Investigative Report

The investigator will create an investigative report that fairly summarizes Relevant evidence and, at least ten (10) business days prior to a hearing, will send the report, in electronic or hard-copy format, to each Party and the Party's advisor. The investigative report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. Only Relevant evidence (including both inculpatory and exculpatory — i.e. tending to prove and disprove the allegations — relevant evidence) will be referenced in the investigative report. The investigator may redact irrelevant information from the investigative report when that information is contained in documents or evidence that are otherwise Relevant.

Hearing

General Rules of Hearings

The Campus will not issue discipline arising from an allegation of Covered Sexual Harassment without holding a live hearing.

The live hearing may be conducted with all Parties physically present in the same geographic location, or, at the request of either party, the Campus will provide for the live hearing to occur with the Parties located in separate rooms with technology enabling the Decision-maker and Parties to simultaneously see and hear the Parties or the witnesses answering questions. At the discretion of the Campus, any or all witnesses and other participants may appear at the live hearing virtually. At its discretion, the Campus may delay or adjourn a hearing based on technological errors not within a Party's control.

The Parties and their advisors remain subject to the applicable restrictions on the use and dissemination of evidence made available through this grievance process.

Continuances or Granting Extensions

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

Newly Discovered Evidence

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

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

The Decision-maker will consider this request and make a determination regarding:

- (1) whether such evidence or witness testimony was actually unavailable despite reasonable efforts prior to the hearing; and
- (2) whether such evidence or witness testimony could affect the outcome of the matter.

The Party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-maker answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence and/or prepare for questioning of the witness.

Participants in the Live Hearing

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

Complainant and Respondent (The Parties)

- The Parties cannot waive the right to a live hearing, though they are not required to participate.
- The Campus may still proceed with the live hearing in the absence of a Party and may reach a determination of responsibility in their absence.
- The Campus will not threaten, coerce, intimidate or discriminate against the Party in an attempt to secure the Party's participation.
- The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing or refusal to answer cross-examination or other questions.

The Decision-maker

- The Decision-maker will serve as a hearing body consisting of one individual selected by the Campus that is not a member of the same bargaining unit as the Respondent.
- The Decision-maker will not also have served as the Title IX Coordinator, Title IX investigator, or advisor to any Party in the case, nor may the Decision-maker serve on the appeals body in the case.
- The Decision-maker will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case.
- The Decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing.
- The Parties will have an opportunity to raise any objections regarding a Decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

- The Parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney. For employee Respondents, the advisor of choice may also be their union representative, if applicable, but it is not required to be.
- If a Party does not have an advisor present at the live hearing, the Campus will provide, without fee or charge to that Party, an advisor of the Campus's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party.
- The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party, except for the purpose of cross-examination at a live hearing.
- The Parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a Party does not select an advisor, the Campus will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party.
- If a Party does not attend the live hearing, the Party's advisor may appear and conduct cross-examination on their behalf.

- If neither a Party nor their advisor appears at the hearing, the Campus will provide an advisor to appear on behalf of the non-appearing Party.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.

Hearing Procedures

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the Campus will not permit any advisor or Decision-maker to question witnesses and Parties in an abusive, intimidating, or disrespectful manner. All Parties, advisors of choice, institutional staff and witnesses must treat others who are engaged in the process with respect. These standards apply equally to all Parties and their advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

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

Live Cross-Examination Procedure

Each Party's advisor will conduct live cross-examination of the other Party or Parties and witnesses. During this live cross-examination the advisor will ask the other Party or Parties and witnesses Relevant questions and follow-up questions, including those challenging credibility directly, orally and in real time. Before any cross-examination question is answered, the Decision-maker will determine if the question is relevant and explain any decision to exclude a question as not relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker, may be deemed irrelevant if they have been asked and answered.

If the Decision-maker determines that an advisor's question is Relevant and not otherwise impermissible, then the question will be asked unless such question is unclear or harassing of the Party or witness being questioned.

The Decision-maker must give an advisor an opportunity to clarify or revise a question that the Decision-maker has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question will be asked.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Rules of Decorum

When a Party's advisor is removed from a hearing due to violation(s) of the Rules of Decorum established by the Campus, the hearing will continue in the absence of that advisor. The Party may select a different advisor of their choice, or accept an advisor provided by the Campus for the limited purpose of cross-examination at the hearing. Reasonable delays, including the

temporary adjournment of the hearing, may be anticipated should an advisor be removed. A Party cannot serve as their own advisor in this circumstance.

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or Party's personal space, the question may not be deemed irrelevant by the Decision-maker simply because of the manner it was delivered. Under that circumstance, the Decision-maker will notify the advisor of the violation of the Rules, and, if the question is Relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

Review of Transcript/Recording

The Campus will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Determination Regarding Responsibility

Standard of Proof

The Campus presumes that the Respondent is not responsible for the alleged Covered Sexual Harassment until a determination is made at the end of this procedure. The Campus uses the preponderance of the evidence standard for investigations and determinations of responsibility for Formal Complaints covered under this procedure. This means that the investigation and hearing determine whether it is more likely than not that a violation of the procedure occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

The Decision-maker shall not draw inferences regarding a Party or witness's credibility based on the Party or witness's status as a Complainant, Respondent or witness, nor shall a Decision-maker base their judgments on stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a Party or witness's testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

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

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Final Rule requires that the Campus allow Parties to call “expert witnesses,” character witnesses, and for the Campus to admit and allow testimony regarding polygraph tests and other procedures that are outside of standard use in academic and non-academic conduct processes. While these witnesses, testimony, and evidence are allowed by the Title IX Final Rule, the Decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a Party or witness’ conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that Party or witness’ credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their institutional email accounts, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting Covered Sexual Harassment;
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the code of conduct or other applicable policy to the facts;
5. For each allegation:
 - i. A statement of, and rationale for, a determination regarding responsibility; and
 - ii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the Campus’s Education Program or Activity will be provided by the Campus to the Complainant; and
6. The Campus’s procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in “Appeals”).

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the Campus within ten (10) business days of the completion of the hearing. See below for information regarding next steps on employee Respondent discipline where there is a finding of responsibility.

Referral to Human Resources for Further Disciplinary Action

- *For employees (including student employees) not in a collective bargaining unit:* The president or designee may take such administrative action as they deem appropriate under their authority as the chief administrative officer of the Campus, including but not limited to, termination, demotion, reassignment, suspension, reprimand, or training.
- *For employees in collective bargaining units:* The president or designee may determine that sufficient information exists to refer the matter to their designee for disciplinary action, or other action as may be appropriate under the applicable collective bargaining agreement. The potential outcomes may include a reprimand, suspension, termination, training, fine, demotion, or informal or formal counseling.

Appeals

Parties may appeal a dismissal of a Formal Complaint, any included allegation, or a determination regarding responsibility by submitting a written appeal to the Campus within five (5) calendar days after receiving the written decision. Appeals will be reviewed by the Appeals Panel, with the composition described below. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the proceedings and/or supporting documents.

Such appeals shall be in writing and shall be delivered to the Campus. Each Party may appeal the dismissal of a Formal Complaint or any included allegations and/or a determination regarding responsibility on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The other Party will be notified in writing when an appeal is filed, and the institution will implement appeal procedures equally for both Parties.

The Title IX Coordinator will administer the appeal process, including notifying the Parties, transmitting the appeal materials to the Appeals Panel, and coordinating applicable deadlines. The Title IX Coordinator will not participate in the Appeals Panel's deliberations or decision. If an appeal alleges that the Title IX Coordinator has a conflict of interest or bias that affected the outcome, another qualified Campus official will administer the appeal process and appoint or coordinate the Appeals Panel, as appropriate. The Decision-maker(s) for the appeal will not be the same individuals as the Decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. Both Parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Within fourteen (14) business days of receipt of all appeal materials, the Campus will issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both Parties.

The submission of an appeal stays (or pauses) any sanctions for the pendency (or duration while the appeal is being deliberated and decided upon) of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

Composition of Panel

The Appeals Panel will review all appeals brought forward by either Party. It shall be composed of individuals who have been appointed by the Campus and have been trained in accordance with state and federal law. The Panel shall be trained annually on Title IX processes and decision-making.

In the event that a member of the Appeals Panel cannot hear the case or must recuse themselves, the Campus may appoint another panel member to review the case.

For appeals involving a student Complainant, the Appeals Panel will consist of at least two individuals at the Campus. For appeals that involve an employee Complainant, the Appeals Panel will consist of one or more individuals at the Campus. In all instances, Appeals Panel members

must be Management-Confidential or not part of the same collective bargaining unit as the Respondent.

Finality

The determination regarding responsibility becomes final on the date the Campus provides the Parties with the written determination of the appeal or, if no appeal is filed, on the date the opportunity to appeal expires.

Retaliation

No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Complaints alleging Retaliation involving a student may be addressed under the Campus's Student Code of Conduct; complaints involving an employee may be referred to the Campus Human Resources Office.

Forms

[Form A](#) - Charge of Discrimination

[Form B](#) - Template for Memorandum Outlining Mutual Agreement Between Parties

Related Procedures

[SUNY Policies on Sexual Violence Prevention and Response](#)

[Available on the Sexual Violence Prevention Workgroup website](#)

Includes: Definition of Affirmative Consent, Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases, Campus Climate Assessment Policy, Sexual Violence Victim/Survivor Bill of Rights, Sexual Violence Response Policy, Options for Confidentially Disclosing Sexual Violence, and Student Onboarding and Ongoing Education Guide

[SUNY Policy Doc. No. 6502, Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York](#)

[SUNY Policy Doc. No. 6504, Policy on Mandatory Reporting and Prevention of Child Sexual Abuse](#)

Other Related Information

[SUNY Procedure Doc. No. 6503](#) - Sexual Orientation Nondiscrimination

[SUNY Policy Doc. No. 6506](#) - Sexual and Romantic Relationship Policy

[SUNY Policy Doc. No. 6507](#) - Sexual Harassment Response and Prevention Statement

[SUNY Student Conduct Institute](#)

[SUNY SAVR resources](#)

Authority

New York State Human Rights Law, available on the [New York State Division of Human Rights website](#), or in [PDF format](#) from the same site.

[Title IX of the Education Amendments of 1972](#), Federal Law

[Title VI of the Civil Rights Act of 1964](#), Federal Law

[Section 504 of the Rehabilitation Act of 1973](#), Federal Law

[Section 1557 of the Patient Protection and Affordable Care Act](#), Federal Law

[Title II of the Americans with Disabilities Act of 1990 \(ADA\)](#), Federal Law

[Title V of the Americans with Disabilities Act of 1990](#), Federal Law

Related guidance is available on the U.S. Department of Education [Laws and Policy page](#) and the U.S. Department of Health and Human Services [Laws and Regulations page](#).

The following federal employment discrimination laws enforced by the [U.S. Equal Employment Opportunity Commission](#) are available on the [EEOC Laws page](#):

- [Title VII of the Civil Rights Act of 1964](#)
- [The Age Discrimination in Employment Act of 1967](#)
- [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- [The Equal Pay Act of 1963](#)
- [The Pregnancy Discrimination Act](#)

History

This document was updated and adopted in August 2026 to maintain alignment with the 2020 [Title IX final regulations](#), incorporate procedures for Title IX Sexual Harassment complaints involving employee Respondents, and improve the efficiency and effectiveness of the process for addressing complaints.

This document was updated in October 2018 pursuant to Labor Law §201-g, which requires every employer in the State of New York to adopt a sexual harassment prevention policy that meets or exceeds enumerated minimum standards in order to prevent and combat sexual harassment in the workplace.

This document was updated in May 2015 pursuant to a SUNY-wide compliance review with the U.S. Department of Education Office for Civil Rights. Document No. 6500 has been eliminated. Prior to this most recent update, this document was last published in March 2003.

Appendices

[Appendix A](#) - External Enforcement Agencies

SUNY Potsdam Title IX Grievance Procedure for Student Respondents

Under the May 19, 2020 Title IX Final Rule

Policy Statement

The U.S. Department of Education and other federal agencies that provide financial assistance, including the U.S. Department of Health and Human Services, enforce Title IX and have long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of Sexual Harassment and sexual violence that interfere with a student's or employee's ability to equally access our education programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "Sexual Harassment" (including forms of sex-based violence);
- Addresses how SUNY Potsdam **must** respond to reports of misconduct falling within that definition of Sexual Harassment; and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of Sexual Harassment.

General Rules of Application

Effective Date

The Title IX Grievance Procedure is effective as of August 17, 2026 and will apply only to Sexual Harassment alleged to have occurred on or after August 14, 2020. Incidents of Sexual Harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this procedure, or the invalidated elements of this procedure, those elements will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the Procedure that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Procedure be revoked in this manner, any conduct covered under the Title IX Grievance Procedure shall be investigated and adjudicated under the existing Student Code of Conduct, the Discrimination Complaint Procedure, any other appropriate SUNY Potsdam policy and/or procedure, or the employee disciplinary process as described in the collective bargaining agreement, as appropriate.

Non-Discrimination in Application

The requirements and protections of this Procedure apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by applicable federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or witness. Individuals who wish to file a complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights ("ED OCR"):

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020
Fax: 202-453-6021;
TDD: 800-877-8339
Email: OCR.DC@ed.gov

For complaints involving health care services, hospitals, or other programs or activities subject to the jurisdiction of the U.S. Department of Health and Human Services, including complaints that may fall under Title IX, individuals may also contact the Office for Civil Rights, U.S. Department of Health and Human Services (“HHS OCR”):

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
Telephone: 1-800-368-1019
TDD: 1-800-537-7697
Email: OCRMail@hhs.gov

Reports and Complaints Involving Employee Respondents

All cases involving employee Respondents will be evaluated, investigated, and adjudicated under Section II of SUNY Procedure (6501), as applicable.

Definitions

Capitalized terms used in this Procedure have the meanings assigned to them below. Terms may be used in the singular or plural, as context requires.

Covered Sexual Harassment or Sexual Harassment: For the purposes of this Title IX Grievance Procedure, “Covered Sexual Harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

7. An employee conditioning the provision of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo);
8. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity (i.e., hostile environment harassment). In evaluating whether a hostile environment exists, the institution will consider a number of factors, including, but not limited to: the frequency, nature, and severity of the conduct; whether the conduct was physically threatening; the effect of the conduct on the Complainant’s mental or emotional state; how the conduct affected the terms, conditions or privileges of employment or education; whether the conduct was directed at more than one person; whether the conduct

arose in the context of other discriminatory conduct; whether there is a power differential between the parties; and whether the conduct implicates concerns related to academic freedom or protected speech;

9. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving Consent. This includes the forcible sex offenses of rape and criminal sexual contact and the non-forcible sex offenses of incest and statutory rape. The applicable offenses are defined below:
 - a. 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, and
 - b. Criminal Sexual Contact: the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation, or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation;
 - c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - d. Statutory rape: sexual intercourse with a person who is under the age of consent in New York State.
10. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.
11. Domestic violence (as defined in the VAWA amendments to the Clery Act and the Violence Against Women Act Reauthorization of 2022), which includes any felony or misdemeanor crimes of violence committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New York, (B) who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.
12. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited and subject to discipline under the Student Code of Conduct, action under the Discrimination Complaint Procedure, action under other SUNY Potsdam policies and/or procedures, or the employee disciplinary process as described in the collective bargaining agreement.

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to the institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the recipient constitutes Actual Knowledge. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the institution with Actual Knowledge is also the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution.

Consent: For the purposes of this Title IX Grievance Procedure, "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.

Additionally:

- 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 a 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.

Education Program or Activity: For the purposes of this Title IX Grievance Procedure, SUNY Potsdam "Education Program or Activity" includes:

- Any on-campus premises
- Any off-campus premises that SUNY Potsdam has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms and computer hardware or software owned or operated by or used in the operations of SUNY Potsdam's programs and activities over which SUNY Potsdam has substantial control. Cases outside of the United States do not fall within the jurisdiction of the Grievance Procedure. Refer to the section on jurisdiction below.

Formal Complaint: For the purposes of this Grievance Procedure, "Formal Complaint" means a document — including an electronic submission — filed by a Complainant/Reporting Individual with a signature or other indication that the Complainant/Reporting Individual is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging Covered Sexual

Harassment by a Respondent within SUNY Potsdam's Education Program or Activity and requesting initiation of the Title IX Grievance Procedure to investigate the allegation of Covered Sexual Harassment.

Complainant: For the purposes of this Title IX Grievance Procedure, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute Covered Sexual Harassment.

Relevant Evidence and Questions: "Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. Relevant evidence is evidence that is available in a particular case that can be evaluated objectively. Relevant evidence includes, without limitation, the parties' own statements, statements of witnesses, or other available evidence, including documentary and video evidence provided. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Grievance Procedure:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any Party's medical, psychological, and similar records unless the Party has given voluntary, written Consent.

Respondent: For the purposes of this Title IX Grievance Procedure, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute Covered Sexual Harassment as defined under this Procedure. Reports and complaints regarding employees are handled under the separate procedure, which is identified above.

Reporting Individual: An individual who brings forward a report of conduct that may violate this Procedure. A Reporting Individual may, but need not, be the Complainant.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to SUNY Potsdam's Education Program or Activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or SUNY Potsdam's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. SUNY Potsdam must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the

Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Confidentiality

This grievance procedure is intended to protect the confidentiality of Parties and witnesses during the Title IX process, while also promoting SUNY Potsdam's ability to meet its Title IX obligations, consistent with constitutional and other due process protections. SUNY Potsdam will keep confidential the identity of any individual who has made a report or complaint of Sexual Harassment, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sexual Harassment, any Respondent, and any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or its implementing regulations, 34 C.F.R. Part 99; as required by law; or as necessary to carry out the purposes of 34 C.F.R. Part 106, including the outcome of any investigation, hearing, or judicial proceeding arising thereunder. SUNY Potsdam will limit the sharing of information to the extent permitted by law. Federal and state laws, rules and regulations, including New York's Freedom of Information Law, may require disclosure in some circumstances.

SUNY Potsdam will take reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the grievance procedure, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this grievance procedure. A Formal Complaint will require that the institution share the identity of a Complainant with the Respondent and the Parties' advisors, as well as relevant institutional employees who are assisting with the investigation or adjudication of the Formal Complaint.

Private vs. Confidential Resources

Several identified institutional offices will maintain the confidentiality of your reports, meaning those offices have the ability to not report crimes and violations to law enforcement or SUNY Potsdam officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. Reports to confidential resources will not generally trigger an institutional investigation or remedy.

Below are the institutional offices/officials identified as confidential for Title IX purposes, who will not report to law enforcement or SUNY Potsdam officials without a Complainant or Reporting Individual's permission, except for extreme circumstances:

- The College Counseling Center Counselors
- Student Health Services providers
- Renewal House Campus Advocate
- Employee Assistance Program

All other institutional offices and employees will maintain the *privacy* of reports of Covered Sexual Harassment to the greatest extent possible but cannot guarantee confidentiality. Privacy generally means that information related to a report of Covered Sexual Harassment will be shared only with a limited circle of individuals, including individuals who need to know in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and

respect the privacy of all individuals involved in the process. Information disclosed to these private resources will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and identifying systemic issues.

Making a Report Regarding Covered Sexual Harassment to the Institution

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

Contact information for SUNY Potsdam's Title IX Coordinator:

Name: Lisa Hoover

Office: Sisson 244

Email: hooverla@potsteam.edu

Phone: 315-267-2224

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator. For confidential reporting resources that will not forward a report to the Title IX Coordinator, please reference the preceding section, titled "Private vs. Confidential Resources."

Non-Investigatory Measures Available Under the Title IX Grievance Procedure

Supportive Measures

Complainants who report allegations that could constitute Covered Sexual Harassment under this Procedure, and Respondents, have the right to receive Supportive Measures from SUNY Potsdam regardless of whether a Complainant desires to file a Formal Complaint. Supportive Measures are non-disciplinary and non-punitive.

Emergency Removal

SUNY Potsdam retains the authority to impose emergency removals on a student Respondent on an emergency basis, where SUNY Potsdam

- (1) undertakes an individualized safety and risk analysis and
- (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Covered Sexual Harassment justifies a removal.

If SUNY Potsdam determines an emergency removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the notification. The Respondent may challenge the emergency removal in writing to the Senior Student Affairs Officer or their designee within three school days of the receipt of the emergency removal notification.

Alcohol and/or Drug Use Amnesty

The health and safety of every student at SUNY Potsdam is of utmost importance. SUNY Potsdam recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Potsdam strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials.

A bystander or a Reporting Individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY Potsdam officials or law enforcement will not be subject to SUNY Potsdam's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Disability Accommodations

This grievance procedure does not alter any institutional obligations under applicable federal and state disability laws including the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the New York State Human Rights Law. Parties may request reasonable accommodations for disclosed disabilities from the Title IX Coordinator at any point before or during this Title IX grievance procedure. Requests will be evaluated in consultation with the appropriate Campus office, and accommodations may be provided where they do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

The Title IX Grievance Procedure

Filing a Formal Complaint

The timeframe for this Title IX grievance procedure begins with the filing of a Formal Complaint. This grievance procedure will be concluded within a reasonably prompt timeframe after the filing of the Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator with a written, signed Formal Complaint describing the facts alleged. Complainants may file a Formal Complaint under this Procedure only if they are currently participating in, or attempting to participate in, SUNY Potsdam's Education Programs or Activities, including as an employee. For Complainants/Reporting Individuals who do not meet these criteria, SUNY Potsdam will utilize existing policy in the Student Code of Conduct, the Discrimination Complaint Procedure, other applicable SUNY Potsdam policies and/or procedures, or the employee disciplinary process as described in the applicable collective bargaining agreement, as appropriate.

If a Complainant does not wish to file a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary and sign one. If so, SUNY Potsdam will inform the Complainant of this decision in writing. The Complainant need not participate further in the process but will receive all notices issued under this Procedure. When the Title IX Coordinator

signs a Formal Complaint, the Title IX Coordinator does not become a Complainant or Party to this Procedure.

Nothing in the Title IX Grievance Procedure, Student Code of Conduct or SUNY Discrimination Complaint Procedure prevents a Complainant or Reporting Individual from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Initial Assessment

Upon receipt of a report of alleged prohibited conduct, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. The steps in an initial assessment vary based on whether the identity of the Complainant is known.

In the initial assessment and meeting or correspondence with the Complainant, the Title IX Coordinator will:

- Assess the Complainant's safety and well-being and offer SUNY Potsdam's support and assistance through available resources;
- Inform the Complainant that the Title IX Coordinator will maintain the Complainant's privacy to the greatest extent possible and disclose information only as necessary pursuant to this Procedure;
- Inform the Complainant of their right to seek medical treatment (including a sexual assault forensic examination) and explain the importance of obtaining evidence and preserving forensic and other evidence;
- Inform the Complainant of their right to contact law enforcement, be assisted by SUNY Potsdam officials in contacting law enforcement, or decline to contact law enforcement, and their right to seek a protective order;
- Inform the Complainant that the criminal justice system uses different standards of proof and evidence than this Procedure and that any questions about whether the reported prohibited conduct constitutes a penal law violation should be addressed by law enforcement;
- Inform the Complainant about SUNY Potsdam and community resources, including counseling, health, and mental health services; victim advocacy; procedural advocacy; legal resources; visa and immigration assistance; student financial aid; and other resources both on campus and in the community, and how to request or contact such resources;
- Inform the Complainant of the right to seek appropriate and available Supportive Measures and how to request such measures and consider the Complainant's wishes with respect to Supportive Measures with or without the filing of a Formal Complaint;
- Ensure the Complainant is aware of their right to an advisor of their choice, who may be, but is not required to be, an attorney;
- Inform the Complainant of the right to file a Formal Complaint and seek resolution under this grievance procedure; provide the Complainant with an overview of this procedure, including Supportive Measures; and inform the Complainant of the right to withdraw a Formal Complaint at any time prior to resolution and to decline or discontinue resolution under this procedure at any time, including that declining to participate in an investigation and/or hearing under these procedures may limit SUNY Potsdam's ability to investigate meaningfully and respond to a report of prohibited conduct;

- As possible and appropriate, ascertain the Complainant's preference for pursuing a Formal Complaint, Supportive Measures, or neither under this Procedure, and discuss with the Complainant any concerns or barriers to participating in any investigation and resolution process under this Procedure;
- Explain that SUNY Potsdam prohibits retaliation, that retaliation constitutes prohibited conduct under these procedures, and that SUNY Potsdam will take appropriate action in response to any act of retaliation;
- Inform the Complainant of their rights afforded under the Student Bill of Rights; and
- Communicate with appropriate SUNY Potsdam officials to determine whether the report triggers any Clery Act obligations, including the issuance of a timely warning or emergency notification, and take steps to meet those obligations.

Determining Jurisdiction

The Title IX Coordinator or designee will determine if the procedure should apply to a Formal Complaint. This procedure will apply when all the following elements are met, in the reasonable determination of the Title IX Coordinator:

5. The conduct is alleged to have occurred on or after August 14, 2020;
6. The conduct is alleged to have occurred in the United States;
7. The conduct is alleged to have occurred in SUNY Potsdam's Education Program or Activity; and
8. The alleged conduct, if true, would constitute Covered Sexual Harassment as defined in this Procedure.

If all of the elements are met, SUNY Potsdam will investigate the allegations according to this procedure.

Jurisdiction at Academic Medical Centers

SUNY includes a number of hospitals and Academic Medical Centers ("AMCs"), which are covered by this grievance procedure when the reported conduct falls within SUNY's Education Program or Activity and otherwise meets the jurisdictional requirements of this Procedure.

There are some activities and operations at an AMC that are likely to be outside the scope of an Education Program or Activity (e.g., purely clinical employment matters with no meaningful education nexus and no "substantial control" in an education context). Allegations of Covered Sexual Harassment occurring at an AMC outside the scope of its Education Program or Activity may be processed under Section I of SUNY Procedure 6501, as applicable.

Multi-Party Situations and Consolidation of Complaints

SUNY Potsdam may consolidate Formal Complaints alleging Covered Sexual Harassment against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Covered Sexual Harassment arise out of the same facts or circumstances.

Allegations Potentially Falling Under More Than One Policy or Procedure

If the alleged conduct, if true, includes conduct that would constitute Covered Sexual Harassment and conduct that would not constitute Covered Sexual Harassment, this Title IX grievance procedure will be applied to investigation and adjudication of only the allegations that constitute Title IX Covered Sexual Harassment.

Mandatory Dismissal

SUNY Potsdam will investigate the allegations in a Formal Complaint. If the conduct alleged in the Formal Complaint would not constitute Covered Sexual Harassment as defined in federal law, even if proved; did not occur in SUNY Potsdam's Education Program or Activity; or did not occur against a person in the United States, then SUNY Potsdam must dismiss the Formal Complaint regarding that conduct for purposes of Sexual Harassment under Title IX. Such a dismissal does not preclude action under another provision of the institution's Student Code of Conduct, the Discrimination Complaint Procedure, any other appropriate SUNY Potsdam policy and/or procedure, or the employee disciplinary process as described in the applicable collective bargaining agreement. Each Party may appeal a dismissal using the procedure outlined in "Appeals" below.

Discretionary Dismissal

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under the Title IX Grievance Procedure, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled or employed by SUNY Potsdam; or,
- Specific circumstances prevent SUNY Potsdam from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal determination using the process set forth in "Appeals" below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, SUNY Potsdam will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint and the reason for the dismissal, simultaneously to the Parties through their institutional email accounts. It is the responsibility of the Parties to maintain and regularly check their institutional email accounts.

When a Formal Complaint is dismissed, SUNY Potsdam will, at a minimum, offer Supportive Measures to the Complainant as appropriate and to the Respondent as appropriate (if the Respondent has been notified of the allegations), and take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within SUNY Potsdam's Education Program or Activity.

Notice of Removal

Upon dismissal for purposes of Title IX, SUNY Potsdam retains discretion to address the allegations under the Student Code of Conduct, the Discrimination Complaint Procedure, another applicable SUNY Potsdam policy or procedure, or the employee disciplinary process, as appropriate. If SUNY Potsdam refers the allegations to another process, it will promptly provide written notice that the Formal Complaint has been dismissed under this Title IX grievance procedure and that the allegations have been removed from that procedure and referred to the other applicable process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to each Party. Such notice will occur as soon as practicable upon receipt of a Formal Complaint, if there are no extenuating circumstances.

The Parties will be notified through their institutional email accounts if they are a student or employee and by other reasonable means if they are neither.

SUNY Potsdam will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint will be dismissed on the grounds identified above and will issue a Notice of Dismissal. If such a determination is made, any Party identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Procedure, including any [SUNY Potsdam Informal Resolution Policy](#) and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting Covered Sexual Harassment and sufficient details known at the time the notice is issued, such as the identities of the Parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting Covered Sexual Harassment; and the date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of this grievance procedure.
- A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source;
- Students are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process as is provided in the Student Code of Conduct.

Ongoing Notice

If during an investigation, SUNY Potsdam decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and would otherwise constitute Covered Sexual Harassment falling within the Title IX Grievance Procedure, the institution will notify the Parties whose identities are known of the additional allegations through their institutional email accounts or other reasonable means. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

Advisors of Choice

SUNY Potsdam will provide the Parties equal access to advisors and support persons and will not limit the choice or presence of advisor for either Party. Any restrictions on advisor participation will be applied equally.

Individuals participating as a Complainant or Respondent in this process may be accompanied by an advisor of choice to any meeting or hearing they are required or are eligible to attend. The advisor of choice is not an advocate. Except where explicitly stated by this procedure, advisors of choice shall not participate directly in the process, consistent with standard policy and practice of SUNY Potsdam, except for required cross-examination by such advisor during a live hearing. SUNY Potsdam may establish Rules of Decorum and otherwise establish restrictions regarding the extent to which advisors may participate in the proceedings.

SUNY Potsdam will not intentionally schedule meetings or hearings on dates when the advisors of choice for all Parties are not available, provided that the advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules within a reasonable timeframe.

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

Notice of Meetings and Interviews

SUNY Potsdam will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants and purpose of all hearings, investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

Informal Resolution

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through SUNY Potsdam's [SUNY Potsdam Informal Resolution Policy](#). All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this process is available on the Title IX Office's [website](#).

Investigation

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Covered Sexual Harassment in a reasonably prompt timeframe after issuing the Notice of Allegations. The investigation will generally include individual interviews of the Complainant/Reporting Individual, the Respondent, and relevant witnesses. The Parties may submit in writing the names of witnesses they would like the investigator to interview and proposed questions or topics for the investigator to address with witnesses, themselves, and the other Party. The investigator has the discretion to

determine the relevance of any proffered witnesses and, accordingly, will determine which witnesses to interview.

SUNY Potsdam, and not the Parties, has the burden of proof and the burden of gathering evidence sufficient to reach a determination, i.e., the responsibility of showing that a violation of this procedure has occurred. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from SUNY Potsdam and does not indicate responsibility.

SUNY Potsdam cannot access, consider, disclose, or otherwise use a Party's medical records without a voluntary, written consent from the Party to whom the records belong or about whom the records contain information. SUNY Potsdam will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations) as described below.

All deadlines and time requirements in this procedure may be extended for good cause as determined by the Title IX Coordinator or their designee. The Respondent and the Complainant, as well as their advisors, will be notified in writing of the delay, the reason for the delay, and the date of the new deadline or event. Extensions requested by one Party will not typically be longer than five (5) business days.

Inspection and Review of Evidence

Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation in an electronic format or a hard copy. The purpose of the inspection and review process is to allow each Party an equal opportunity to respond meaningfully to the evidence prior to the conclusion of the investigation. The Parties will have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Evidence available for inspection and review by the Parties will include any evidence that is Relevant or directly related to the allegations raised in the Formal Complaint, including:

3. Evidence that is related, even if that evidence does not end up being relied upon by SUNY Potsdam in making a determination regarding responsibility;
4. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

All Parties must submit any evidence they would like the investigator to consider before the Parties' time to inspect and review evidence begins.

SUNY Potsdam will provide each Party and each Party's advisor, if any, with the evidence made available for inspection and review. SUNY Potsdam is not obligated to use any specific process or technology to provide the evidence and has sole discretion to determine the format and any restrictions or limitations on access.

Any evidence deemed Relevant after inspection and review will be available at any hearing, including for purposes of cross-examination.

The Parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to this Title IX grievance procedure.

The Parties and their advisors agree not to photograph or otherwise copy the evidence.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined, in the reasoned judgment of the Title IX Coordinator or their designee, not to be directly related or Relevant to the allegations in the Formal Complaint will be included in the appendices to the investigative report. These appendices will be made available exclusively to both Parties unless an appeal is filed.

Investigative Report

The Title IX Coordinator or their designee will create an investigative report that fairly summarizes Relevant evidence and, at least ten (10) business days prior to a hearing, will send the investigative report, in electronic format or hard copy format, to each Party and the Party's advisor. The investigative report is not intended to catalog all evidence obtained by the Title IX Coordinator or their designee, but only to provide a fair summary of that evidence. Only Relevant evidence (including both inculpatory and exculpatory, i.e., tending to prove and disprove the allegations) will be referenced in the investigative report. The Title IX Coordinator or their designee may redact irrelevant information from the investigative report when that information is contained in documents or evidence that are otherwise Relevant.

Hearing

General Rules of Hearings

SUNY Potsdam will not issue a disciplinary sanction arising from an allegation of Covered Sexual Harassment without holding a live hearing unless otherwise resolved through an [SUNY Potsdam Informal Resolution Policy](#) process.

The live hearing may be conducted with all Parties physically present in the same geographic location, or, at the request of either Party, SUNY Potsdam will provide for the live hearing to occur with the Parties located in separate rooms with technology enabling the Decision-maker(s) and Parties to simultaneously see and hear the Parties or the witnesses answering questions. At the discretion of SUNY Potsdam, any or all witnesses and other participants may appear at the live hearing virtually. At its discretion, SUNY Potsdam may delay or adjourn a hearing based on technological errors not within a Party's control.

Prior to obtaining access to any evidence, the Parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to this Title IX grievance procedure. Once signed, this agreement may not be withdrawn.

Continuances or Granting Extensions

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

Newly Discovered Evidence

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

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

The Decision-maker will consider this request and make a determination regarding:

- (3) whether such evidence or witness testimony was unavailable despite reasonable efforts prior to the hearing; and
- (4) whether such evidence or witness testimony could affect the outcome of the matter.

The Party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-maker answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence and/or prepare for questioning of the witness.

Participants in the Live Hearing

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

Complainant and Respondent (the Parties)

- The Parties cannot waive the right to a live hearing, though they are not required to participate.
- SUNY Potsdam may still proceed with the live hearing in the absence of a Party and may reach a determination of responsibility in their absence.
- SUNY Potsdam will not threaten, coerce, intimidate or discriminate against the Party in an attempt to secure the Party's participation.
- The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing or refusal to answer cross-examination or other questions.
- The Parties shall be subject to SUNY Potsdam's Rules of Decorum, which can be found on SUNY Potsdam's website and will be provided in advance of any live hearing.

The Decision-maker

- The Decision-maker will be a hearing body that will consist of three members, including one student in cases where the Respondent is a student. Students shall not be included in the hearing board in cases involving employees.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing.
- The Parties will have an opportunity to raise any objections regarding a Decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

- The Parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney. If a Party does not have an advisor present at the live hearing, SUNY Potsdam will provide, without fee or charge to that Party, an advisor of SUNY Potsdam's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party.
- The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party, except for the purpose of cross-examination at a live hearing.
- The Parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a Party does not select an advisor, SUNY Potsdam will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party.
- If a Party does not attend the live hearing, the Party's advisor may appear and conduct cross-examination on their behalf.
- If neither a Party nor their advisor appear at the hearing SUNY Potsdam will provide an advisor to appear on behalf of the non-appearing Party.
- Advisors must follow SUNY Potsdam's Rules of Decorum applicable to advisors, which are available on SUNY Potsdam's website and will be provided to all advisors prior to the live hearing.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.

Facilitators

- Facilitators are present to ensure that the proper policies and procedures are followed during a live hearing.
- The facilitator does not have a decision-making role in the hearing process.
- A facilitator may be present to coordinate hearing technical and organization needs.
- Student Conduct staff in training may observe the hearing for training purposes.

Hearing Procedures

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and SUNY Potsdam will not permit any advisor or Decision-maker to question witnesses or Parties in an abusive, intimidating, or disrespectful manner. All Parties, advisors of choice, institutional staff, and witnesses must treat others who are engaged in the process with respect. These standards apply equally to all Parties and their advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

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

Live Cross-Examination Procedure

Each Party's advisor will conduct live cross-examination of the other Party or Parties and witnesses. During this live cross-examination the advisor will ask the other Party or Parties and witnesses Relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time. Before any cross-examination question is answered, the Decision-maker will determine if the question is Relevant and explain any decision to exclude a question as not Relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker, may be deemed irrelevant if they have been asked and answered.

If the Decision-maker determines that an advisor's question is Relevant and not otherwise impermissible, then the question will be asked unless such question is unclear or harassing of the Party or witness being questioned.

The Decision-maker must give an advisor an opportunity to clarify or revise a question that the Decision-maker has determined is unclear or harassing and, if the advisor sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question will be asked.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not Relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Rules of Decorum

When a Party's advisor is removed from a hearing due to violation(s) of the Rules of Decorum, the hearing will continue in the absence of that advisor. The Party may select a different advisor of their choice, or accept an advisor provided by SUNY Potsdam for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A Party cannot serve as their own advisor in this circumstance.

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or Party's personal space, the question may not be deemed irrelevant by the Decision-maker simply because of the manner it was delivered. Under that circumstance, the Decision-maker will notify the advisor of the violation of the Rules, and, if the question is Relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

Review of Transcript/Recording

The institution will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Determination Regarding Responsibility

Standard of Proof

SUNY Potsdam presumes that the Respondent is not responsible for the alleged Covered Sexual Harassment until a determination is made at the end of this Procedure. SUNY Potsdam uses the preponderance of the evidence standard for investigations and determinations of responsibility for Formal Complaints covered under the Title IX Grievance Procedure. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Procedure occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

The Decision-maker shall not draw inferences regarding a Party's or witness's credibility based on the Party's or witness's status as a Complainant, Respondent, or witness, nor shall the Decision-maker base their judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a Party's or witness's testimony is non-linear or incomplete, or whether the Party or witness is displaying stress or anxiety.

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

Except where specifically barred by the Title IX Final Rule, a witness's testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Decision-maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Final Rule requires that SUNY Potsdam allow Parties to call expert witnesses and character witnesses and present testimony regarding polygraph tests and other procedures that are outside of standard use in academic and non-academic conduct processes. While these witnesses, testimony, and evidence are allowed by the Title IX Final Rule, the Decision-maker will be instructed to afford lower weight to such evidence relative to the testimony of fact witnesses.

Where a Party's or witness's conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that Party's or witness's credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their institutional email accounts or other reasonable means, as necessary. The Determination will include:

7. Identification of the allegations potentially constituting Covered Sexual Harassment;
8. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
9. Findings of fact supporting the determination;
10. Conclusions regarding the application of the Code of Conduct or other applicable policy to the facts;
11. For each allegation:
 - iii. A statement of, and rationale for, a determination regarding responsibility;
 - iv. A statement of, and rationale for, any disciplinary sanctions from the Student Code of Conduct the recipient imposes on the Respondent; and
 - v. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to SUNY Potsdam's Education Program or Activity will be provided by SUNY Potsdam to the Complainant/Reporting Individual; and
12. SUNY Potsdam's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeals").

Timeline of Determination Regarding Responsibility

For cases involving student Respondents, if there are no extenuating circumstances, the determination regarding responsibility will be issued by SUNY Potsdam within ten (10) business days of the completion of the hearing.

Sanctions for Students

For cases with a student Respondent who was determined to be responsible, the written Determination Regarding Responsibility will also include a statement of the sanctions. In determining sanctions, the Panel will consider the severity of the prohibited conduct; the circumstances of the prohibited conduct; the impact of the prohibited conduct and sanctions on the Complainant and remedies for the Complainant; the impact of the prohibited conduct and sanctions and remedies on the community; the impact of the prohibited conduct and sanctions and remedies on the Respondent; prior misconduct by the Respondent, including the Respondent's previous school disciplinary record, both at the institution and elsewhere, and any criminal convictions; the goals of this policy and procedure; and any other mitigating, aggravating, or compelling factors.

The possible sanctions for student Respondents are as follows, in accordance SUNY Potsdam's Student Code of Conduct:

1. Sexual Assault
 - a. For students found responsible for Sexual Assault I (Rape), the available sanctions are:
 - i. Suspension with additional requirements

- ii. Disciplinary dismissal (expulsion). If the rape was forcible, meaning that the rape was accomplished by physical force, threat or drugging by the student, the student shall be issued the sanction of disciplinary dismissal (expulsion).
- 2. Quid pro quo sexual harassment, hostile environment sexual harassment, dating violence, domestic violence and stalking carry the following potential sanctions:
 - a. Sanctions
 - i. Written Conduct Warning
 - 1. This is a lower-level sanction issued as a result of a formal Student Conduct Referral. This serves as a strong notice to a student that the behavior is counter to the expectations in the student code of conduct.
 - ii. Disciplinary Probation
 - 1. This is a higher-level sanction issued as a result of a formal Student Conduct Referral that does not compromise a student's housing or their status as a student. Disciplinary Probation generally lasts fifteen (15) weeks (while classes are in session) but may last as long as two semesters and includes all the restrictions of the Written Conduct Warning. This is an official notice that advises that the student may risk separation from the college if there are any further violations.
 - iii. Terminal Disciplinary Probation
 - 1. This is issued as a result of a formal Student Conduct Referral and is imposed for serious violations or a pattern of violations of the Student Code of Conduct. A student is placed on Terminal Disciplinary Probation for a specified period to include until Graduation based on the violation. Terminal Disciplinary Probation may last from one (1) to eight (8) semesters. Having an active Terminal Disciplinary Probation status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities.
 - iv. Removal from Residence
 - 1. Students who have a serious violation of the community standards outlined in the Student Code of Conduct or the residence license, or because of a series of breaches of the community standards in the Residence Halls will be asked to leave campus residence either permanently or for a period of time. This sanction carries with it the penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs. Depending on the nature of the incident, the student may also receive disciplinary probation as part of this sanction.
 - v. Deferred Suspension
 - 1. This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Deferred suspension may last from one

(1) to eight (8) semesters. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension.

vi. Disciplinary Suspension

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

vii. Deferred Disciplinary Dismissal

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

viii. Disciplinary Dismissal

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

ix. Residence Hall or Campus Restriction

1. A student may be restricted from being present in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. A student may also be barred from the entire campus if the student conduct hearing officer/board reasonably believes the student poses a threat to the health, safety or wellbeing of the College community. Other restrictions may be imposed such as denial of access to specified campus services or programs. These include, but are not limited to

- a. ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College,
 - b. Ineligible to represent the College to anyone outside the College community at an official function or event
 - c. Restriction from involvement or membership in activities or programs sponsored by the College such as SGA recognized groups or Campus Life recognized groups
 - d. Restriction from possessing a particular item on campus (i.e. stereos, radios, bicycles, sporting items)
 - e. Withdrawal of the privilege of operating a motor vehicle on-campus
 - f. Restriction from hosting visitors or guests
 - g. Restriction from serving as an approved driver for campus vehicles
 - h. Loss of privileges such as use of a particular facility (i.e. specific dining facility, Maxcy Hall)
- x. Restitution
 - 1. If College property is damaged, the appropriate College department and/or personnel will make an assessment of the damage. The responsible student(s) may be billed as appropriate. Restitution for personal property cannot be resolved via the Student Conduct System.
- xi. Educational Programs & Services
 - 1. Educational Programs & Services such as Alcohol Education Programs, Drug Education Programs, Community Service, By-Stander Intervention Programs, reflection or research papers, etc., may be used to supplement any other student conduct sanction. It is the sole responsibility of the student to bear any costs associated with these sanctions.
- b. Temporary Directives
 - i. Temporary Suspension
 - 1. The Director of Student Advocacy & Accountability & Community Standards or designee may take action immediately to suspend a student from the College and remove the student from campus when, in consultation with the Dean of Students, there is reasonable belief that the continued presence of such student would constitute a danger to the safety of persons or property. The Director of Student Advocacy & Accountability or designee may also temporarily suspend an organization and/or the activities of an organization for an interim period pending conduct charges and proceedings. The suspension is temporary pending the resolution of the student's or organization's Conduct Referral as outlined in the Student Conduct Procedures of the Student Community Rights & Responsibilities.
 - ii. Temporary Removal from Residence or Reassignment

1. When the Director of Student Advocacy & Accountability & Community Standards or his/her designee, when in consultation with the Dean of Students and the Director of Residence Life, reasonably believes that the behavior of a resident student significantly detracts from the educational environment of the residence hall or constitutes a danger to the safety of other persons or property in the residence hall, the Director may temporarily reassign the student to another residential space or remove the student from campus housing and restrict the student from the buildings and grounds of the residential complexes. The removal is temporary pending the resolution of the student's Student Conduct Referral as outlined in the Student Conduct Procedures of the Student Community Rights & Responsibilities.
- c. Administrative Directives
- i. No Contact Order
 1. A written directive prohibiting certain behaviors with a protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney). If the Accused/Respondent/Referred Party and a Protected Person observe each other in a public place, it is the responsibility of the Accused/Respondent/Referred Party to leave the area immediately and without directly contacting the protected person.
 - ii. Cease & Desist
 1. A written directive to both parties prohibiting contact with each other, either directly or through a third party or directive to prohibiting one or both parties from engaging in a specific behavior.
 - iii. Residence Hall or Campus Restriction
 1. A student may be restricted from being present in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Dean of Students, Director of Student Advocacy & Accountability or designee in consultation with the Dean of Students, reasonably believes the student poses a threat to the health, safety or well-being of the College community.
- d. Transcript Notations
- i. At the conclusion of the appeals process, a student who has been suspended or expelled for any violation of the Student Code of Conduct including but not limited to behavior that leads to the death or serious physical injury of another person, hazing, physical abuse, sexual misconduct, and, per New York State Education Law Article 129B,

conduct that constitutes a crime of violence (including but not limited to sexual assault) as defined in the Clery Act will have a permanent notation placed on the student's official college transcript indicating the disciplinary suspension or expulsion. If a student withdraws from the institution while such a disciplinary matter is pending, a transcript notation will indicate that the student withdrew with student conduct charges pending.

- ii. The following transcript notations are used by SUNY Potsdam:
 - 1. Temporarily suspended (date) pending code of conduct hearing
 - 2. Withdrew with conduct charges pending (date)
 - 3. Suspended after a finding of responsibility for a code of conduct violation (date) to (date)
 - 4. Expelled after a finding of responsibility for a code of conduct violation (date)
- iii. Transcript notations for a student who is suspended or who chose to withdraw with a pending conduct investigation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Dean of Students or designee.
- iv. Transcript notations for students expelled are permanent and cannot be removed.
- v. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Appeals

Parties may appeal a dismissal of a Formal Complaint, any included allegations and/or a determination regarding responsibility by submitting a written appeal to the Office of Student Advocacy & Accountability within five (5) business days after receiving the written decision. For student Respondents, appeals will be heard by the Title IX Appeals Panel. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the proceedings and/or supporting documents.

Such appeals shall be in writing and shall be delivered to the Director of Student Advocacy & Accountability. Each Party may appeal the dismissal of a Formal Complaint or any included allegations and/or a determination regarding responsibility on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The other Party will be notified in writing when an appeal is filed, and SUNY Potsdam will implement appeal procedures equally for both Parties.

The Office of Student Advocacy & Accountability will administer the appeal process, including notifying the Parties, transmitting the appeal materials to the Appeals Panel, and coordinating applicable deadlines. The Decision-maker for the appeal will not be the same person as the Decision-maker that reached the determination regarding responsibility or dismissal, the

investigator(s), or the Title IX Coordinator. Both Parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Within twenty (20) business days of receipt of all appeal materials, the institution will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both Parties.

The filing of an appeal stays any sanctions during the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

Composition of Panel

The Title IX Appeals Panel will review all student appeals brought forward by either Party in cases involving Title IX. It shall be composed of at least three individuals appointed by the Director of the Office of Student Advocacy & Accountability who have been trained in accordance with state and federal law. The Panel shall be trained annually on Title IX processes and decision-making.

In the event that a member of the Title IX Appeals Panel cannot hear the case or must recuse themselves, the Director of Student Advocacy & Accountability or other appropriate designee may appoint another panel member to review the case.

Finality

The determination regarding responsibility becomes final either on the date that SUNY Potsdam provides the Parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” above, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Transcript Notations

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

Retaliation

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Complaints alleging Retaliation involving a student may be filed under SUNY Potsdam’s Student Code of Conduct; complaints involving an employee may be referred to the Human Resources Office.

A Plain-Language Explanation of Differences Between the Criminal Justice and College

Disciplinary Processes

Accessible replacement content for the 2026 Annual Security and Fire Safety Report

Purpose

New York Education Law Article 129-B requires colleges to explain important differences between the criminal justice process and college disciplinary processes for sexual and interpersonal violence. The two systems have different purposes, standards, procedures, and possible outcomes. A report may proceed through one system, both systems, or neither system, depending on the facts, the reporting individual's choices, and applicable law and policy.

Source and currency note: The comparison below is adapted from SUNY's resource published October 28, 2015. SUNY Potsdam-specific clarifications reflect the current campus Title IX policy and Student Community Rights and Responsibilities reviewed September 3, 2026. Applicable policies control if there is any difference.

Comparison of the Two Systems

Topic	Criminal Justice System	SUNY Potsdam Disciplinary System
Goals	Public safety, deterrence, accountability, and punishment.	Education, safety, accountability, and a safe and supportive campus environment.
Governing law	New York Penal Law; New York Criminal Procedure Law; applicable federal criminal law; and rules of evidence. If conduct occurred in another jurisdiction, that jurisdiction's laws may apply.	Title IX; the Clery Act, as amended by the Violence Against Women Act; New York Education Law Articles 129-A and 129-B; SUNY policies; SUNY Potsdam policies; and, when applicable, collective bargaining agreements.

Comparison of the Two Systems (continued)

Topic	Criminal Justice System	SUNY Potsdam Disciplinary System
Reporting and institutional response	Sexual and interpersonal violence may be reported to University Police, local police, the New York State Police, or other law enforcement with jurisdiction. Law enforcement determines whether and how to investigate, often in consultation with a prosecutor. An investigation may proceed without the reporting individual's participation. Most New York felony prosecutions require a grand jury indictment unless indictment is lawfully waived.	A person may disclose to a confidential resource or report to a non-confidential employee or the Title IX Coordinator. Confidential resources generally do not report identifying information without permission, except as required by law or in an emergency. Non-confidential employees protect privacy to the greatest extent possible but share information as needed for an institutional response. The College evaluates applicable law, policy, safety, supportive measures, and the reporting individual's wishes.
Who investigates	Police or other law-enforcement investigators.	Investigators employed or retained by the College. Depending on the matter, investigators may work in Title IX, Student Conduct, Human Resources, University Police, or another appropriate office.
Procedures	Procedures are established by applicable law, court rules, police departments, and prosecutors' offices.	Procedures are established by applicable law and SUNY Potsdam policies. Different procedures may apply to Title IX, student conduct, and employee matters.
Standard of evidence	The prosecution must prove every element of a criminal charge beyond a reasonable doubt.	SUNY Potsdam uses the preponderance of the evidence standard, meaning more likely than not, for student conduct and covered Title IX matters.
Confidentiality	Law enforcement may offer confidential or private assistance in limited settings, but filed criminal charges and court proceedings are generally public, subject to sealing laws and other exceptions.	SUNY Potsdam identifies confidential resources that generally do not share identifying information without permission, except as required by law or in an emergency. A disciplinary process requires relevant information to be shared with those who need it to carry out the process.

Comparison of the Two Systems (continued)

Topic	Criminal Justice System	SUNY Potsdam Disciplinary System
Privacy	Criminal court proceedings and records are generally public, subject to legal exceptions.	Disciplinary proceedings are kept as private as possible, but information may be shared with the parties, appropriate College officials, and others as required or permitted by law.
Parties	The parties are the government and the defendant. The reporting individual or victim is not a party to the criminal case but may be a witness.	The parties depend on the governing policy. In covered Title IX matters, the complainant and respondent are parties. In other conduct matters, the College and referred student may be treated as the parties, while reporting individuals retain rights provided by law and policy.
Participation	A prosecution may sometimes proceed without the reporting individual's participation, although the available evidence may affect whether the case can be proven.	A reporting individual cannot be forced to participate. The College may still offer supportive measures or take other appropriate action, but limited participation may affect the College's ability to investigate or resolve the matter.
Who initiates proceedings	A prosecutor initiates a criminal prosecution on behalf of New York State or the United States.	The College initiates a disciplinary or grievance process under the applicable policy. The reporting individual may have an active role and specific participation rights.

Comparison of the Two Systems (continued)

Topic	Criminal Justice System	SUNY Potsdam Disciplinary System
Testimony and questioning	Court testimony is generally public. Counsel may question and cross-examine witnesses, subject to the rules of evidence and court procedure.	Procedures depend on the applicable policy. In covered SUNY Potsdam Title IX matters, the College uses a live hearing; the hearing board questions parties and witnesses, and each party's advisor may conduct relevant cross-examination. Other student-conduct matters follow the Student Community Rights and Responsibilities procedures.
Role of attorneys and advisors	The prosecution is represented by a prosecutor. A defendant may be represented by counsel or may proceed without counsel when legally permitted. Counsel may question witnesses.	Parties may have an advisor of their choice, who may be an attorney. Under the SUNY Potsdam Title IX policy, advisors may accompany parties and conduct cross-examination at a live hearing; their participation at other stages or in other processes is governed by the applicable policy or collective bargaining agreement.
Prior sexual and mental health history	In New York criminal cases, a reporting individual's prior sexual conduct and mental health records are generally restricted, but limited exceptions may apply when the evidence is directly relevant and legally admissible.	Such information is generally excluded, subject to limited exceptions. New York Education Law Article 129-B permits parties to exclude evidence of their own mental health diagnosis or treatment during the fact-finding phase and limits evidence of prior sexual history as provided by law.

Comparison of the Two Systems (continued)

Topic	Criminal Justice System	SUNY Potsdam Disciplinary System
Possible results	A defendant may plead guilty, have charges dismissed, be acquitted, or be convicted after trial. Other outcomes may be available under law.	A respondent may accept responsibility or be found responsible or not responsible. When permitted by the applicable policy, an informal resolution may be available if all required parties voluntarily agree.
Sanctions	A convicted person may face incarceration, probation, a fine, restitution, or other lawful consequences.	A person found responsible may receive sanctions based on the conduct and applicable policy, ranging from a warning or educational measures to suspension, expulsion, or employment action.

Definitions of Clery Act Criminal Offenses

For Clery Act reporting, institutions must use the federal crime definitions in Appendix A to Subpart D of 34 C.F.R. Part 668. These definitions are used to classify and count Clery Act crimes. They do not assign a New York Penal Law offense or felony class to a reported incident.

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.

Criminal Homicide: Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide: Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

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.

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.

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. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and attempts to commit any of these offenses.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. This includes cases in which an automobile is taken by a person without lawful access even if the vehicle is later abandoned, including joyriding.

Weapons: Carrying, Possessing, Etc.

The violation 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.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices used in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of a controlled drug or narcotic substance, and arrests under State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

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 and drunkenness.

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

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 in which the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.

Incest

Sexual intercourse between persons who are related to each other within the degrees in which marriage is prohibited by law.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape used in the FBI Uniform Crime Reporting program and included in Appendix A to Subpart D of 34 C.F.R. Part 668.

Hate Crime

A crime reported to local police or a campus security authority that shows evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act reporting, the bias categories are the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, and similar offenses are excluded.

Simple Assault

An unlawful physical attack by one person upon another in which the offender does not display a weapon and the victim does not suffer obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through threatening words and/or other conduct, without displaying a weapon or subjecting the victim to an actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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 the relationship is determined from the reporting party's statement and consideration of the relationship's length and type and the frequency of interaction between the people involved. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered by 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 with whom the victim shares a child; a person who is or was cohabitating with the victim as a spouse or intimate partner; a person similarly situated to a spouse under the applicable domestic or family violence laws; or another person whose acts against an adult or youth victim are covered by those laws.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. A course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, communicates to or about a person, or interferes with the person's property by any action, method, device, or means. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Current New York State Penal Law References

The supplied material reproduced older New York Penal Law language. Several provisions have changed, including the 2024 expansion of New York's rape statutes to cover vaginal, oral, and anal sexual contact. Former sections 130.40, 130.45, and 130.50 are no longer current standalone offenses. To avoid republishing obsolete law, this table identifies the current provisions and links to the official New York State Senate text. These State-law provisions are separate from the federal Clery reporting definitions above.

Statute	Current offense title	Classification
§ 120.45	Stalking in the fourth degree	Class B misdemeanor
§ 120.50	Stalking in the third degree	Class A misdemeanor
§ 120.55	Stalking in the second degree	Class E felony
§ 120.60	Stalking in the first degree	Class D felony
§ 130.20	Sexual misconduct	Class A misdemeanor
§ 130.25	Rape in the third degree	Class E felony
§ 130.30	Rape in the second degree	Class D felony
§ 130.35	Rape in the first degree	Class B felony
§ 130.52	Forcible touching	Class A misdemeanor
§ 130.53	Persistent sexual abuse	Class E felony
§ 130.55	Sexual abuse in the third degree	Class B misdemeanor
§ 130.60	Sexual abuse in the second degree	Class A misdemeanor
§ 130.65	Sexual abuse in the first degree	Class D felony

Statute	Current offense title	Classification
§ 130.65-a	Aggravated sexual abuse in the fourth degree	Class E felony
§ 130.66	Aggravated sexual abuse in the third degree	Class D felony
§ 130.67	Aggravated sexual abuse in the second degree	Class C felony
§ 130.70	Aggravated sexual abuse in the first degree	Class B felony
§ 130.75	Course of sexual conduct against a child in the first degree	Class B felony
§ 130.80	Course of sexual conduct against a child in the second degree	Class D felony
§ 130.85	Female genital mutilation	Class E felony
§ 130.90	Facilitating a sex offense with a controlled substance	Class D felony
§§ 130.91-130.92	Sexually motivated felony; sentencing	Depends on the specified felony
§ 130.95	Predatory sexual assault	Class A-II felony
§ 130.96	Predatory sexual assault against a child	Class A-II felony
§ 255.25	Incest in the third degree	Class E felony
§ 255.26	Incest in the second degree	Class D felony
§ 255.27	Incest in the first degree	Class B felony

Authoritative Sources

- SUNY System: College and Criminal Resource
- SUNY Potsdam: Title IX Grievance Policy
- Electronic Code of Federal Regulations: Clery Act Crime Definitions
- Electronic Code of Federal Regulations: Institutional Security Policies and Crime Statistics
- New York State Senate: Current Penal Law

Reported Clery Crime and Arrest Statistics

Summary Statistics

The tables below reproduce the statistics shown in the source pages. Category names have been standardized to current Clery terminology where appropriate; the reported values have not been changed.

Reported Crimes

Category	2023	2024	2025
Murder and Nonnegligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	5
Motor Vehicle Theft	0	0	0
Arson	0	1	0
Rape	0	3	0
Fondling	1	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Dating Violence	13	0	0
Domestic Violence	0	1	5
Stalking	1	1	4
Hate Crimes	1	0	0

Arrests

Category	2023	2024	2025
Weapons Law Violations	0	0	1
Drug Law Violations	1	0	0
Liquor Law Violations	1	0	0

Campus Disciplinary Referrals

Category	2023	2024	2025
Weapons Law Violations	0	0	1
Drug Law Violations	0	0	3
Liquor Law Violations	19	7	4

Location-Based Statistics

How to read the location tables: Each offense and location is presented on its own row. On-Campus Student Housing Only is a subset of On Campus and should not be added to the On-Campus figure when calculating a total.

FBI Index Crimes (Including Hate Crimes)

The source uses the phrase 'including hate crimes' but does not separately identify which location-table entries, if any, were classified as hate crimes.

Offense	Location	2023	2024	2025
Murder and Nonnegligent Manslaughter	On Campus (includes residence halls)	0	0	0
Murder and Nonnegligent Manslaughter	On-Campus Student Housing Only	0	0	0
Murder and Nonnegligent Manslaughter	Non-Campus Buildings	0	0	0
Murder and Nonnegligent Manslaughter	Public Property	1	0	0
Manslaughter by Negligence	On Campus (includes residence halls)	0	0	0
Manslaughter by Negligence	On-Campus Student Housing Only	0	0	0
Manslaughter by Negligence	Non-Campus Buildings	0	0	0
Manslaughter by Negligence	Public Property	0	0	0
Rape	On Campus (includes residence halls)	0	3	0
Rape	On-Campus Student Housing Only	0	3	0
Rape	Non-Campus Buildings	1	0	0
Rape	Public Property	1	0	0
Fondling	On Campus (includes residence halls)	1	1	0
Fondling	On-Campus Student Housing Only	1	0	0
Fondling	Non-Campus Buildings	0	0	0
Fondling	Public Property	0	0	1
Incest	On Campus (includes residence halls)	0	0	0

Offense	Location	2023	2024	2025
Incest	On-Campus Student Housing Only	0	0	0
Incest	Non-Campus Buildings	0	0	0
Incest	Public Property	0	0	0
Statutory Rape	On Campus (includes residence halls)	0	0	0
Statutory Rape	On-Campus Student Housing Only	0	0	0
Statutory Rape	Non-Campus Buildings	0	0	0
Statutory Rape	Public Property	0	0	0
Robbery	On Campus (includes residence halls)	0	0	0
Robbery	On-Campus Student Housing Only	0	0	0
Robbery	Non-Campus Buildings	0	0	0
Robbery	Public Property	0	0	0
Aggravated Assault	On Campus (includes residence halls)	0	0	0
Aggravated Assault	On-Campus Student Housing Only	0	0	0
Aggravated Assault	Non-Campus Buildings	0	0	0
Aggravated Assault	Public Property	0	0	0
Burglary	On Campus (includes residence halls)	0	0	5
Burglary	On-Campus Student Housing Only	0	0	4
Burglary	Non-Campus Buildings	0	0	1
Burglary	Public Property	1	0	0
Motor Vehicle Theft	On Campus (includes residence halls)	0	0	0
Motor Vehicle Theft	On-Campus Student Housing Only	0	0	0
Motor Vehicle Theft	Non-Campus Buildings	0	0	0
Motor Vehicle Theft	Public Property	1	0	0

Offense	Location	2023	2024	2025
Arson	On Campus (includes residence halls)	1	1	0
Arson	On-Campus Student Housing Only	1	1	0
Arson	Non-Campus Buildings	0	0	0
Arson	Public Property	0	0	0

Arrests by Location

Offense or Category	Location	2023	2024	2025
Illegal Weapons Possession Violations	On Campus (includes residence halls)	0	0	1
Illegal Weapons Possession Violations	On-Campus Student Housing Only	0	0	1
Illegal Weapons Possession Violations	Non-Campus Buildings	0	0	0
Illegal Weapons Possession Violations	Public Property	0	0	0
Drug Law Violations	On Campus (includes residence halls)	0	0	0
Drug Law Violations	On-Campus Student Housing Only	0	0	0
Drug Law Violations	Non-Campus Buildings	0	0	0
Drug Law Violations	Public Property	0	0	0
Liquor Law Violations	On Campus (includes residence halls)	0	0	0
Liquor Law Violations	On-Campus Student Housing Only	0	0	0
Liquor Law Violations	Non-Campus Buildings	0	0	0
Liquor Law Violations	Public Property	0	4	4

Campus Disciplinary Actions by Location

Offense or Category	Location	2023	2024	2025
Illegal Weapons Possession	On Campus (includes residence halls)	0	0	1
Illegal Weapons Possession	On-Campus Student Housing Only	0	0	1
Illegal Weapons Possession	Non-Campus Buildings	0	0	0
Illegal Weapons Possession	Public Property	0	0	0
Drug Law Violations	On Campus (includes residence halls)	0	0	3
Drug Law Violations	On-Campus Student Housing Only	0	0	0
Drug Law Violations	Non-Campus Buildings	0	0	0
Drug Law Violations	Public Property	0	0	0
Liquor Law Violations	On Campus (includes residence halls)	18	3	4
Liquor Law Violations	On-Campus Student Housing Only	18	2	0
Liquor Law Violations	Non-Campus Buildings	0	0	0
Liquor Law Violations	Public Property	1	2	4

VAWA Offenses by Location

Offense or Category	Location	2023	2024	2025
Domestic Violence	On Campus (includes residence halls)	0	1	5
Domestic Violence	On-Campus Student Housing Only	2	0	3
Domestic Violence	Non-Campus Buildings	0	0	0
Domestic Violence	Public Property	0	0	0
Dating Violence	On Campus (includes residence halls)	2	2	0
Dating Violence	On-Campus Student Housing Only	0	0	0
Dating Violence	Non-Campus Buildings	0	0	0
Dating Violence	Public Property	0	0	0
Stalking	On Campus (includes residence halls)	1	1	4
Stalking	On-Campus Student Housing Only	0	0	2
Stalking	Non-Campus Buildings	0	0	0
Stalking	Public Property	0	0	0

When a **Hate Crime** is reported, it will be labeled with the following categories of Prejudice: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, NO=National Origin, GI=Gender Identity, and/or E=Ethnicity. In addition to the criminal offenses listed on the chart, the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, or vandalism of property; making graffiti; or any other crime involving bodily injury.

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

In 2024 – No hate crimes reported

In 2025 – No Hate Crimes reported

Fire Safety

The University Police Department at SUNY Potsdam maintains a fire log that is available for inspection by students, faculty, and staff at the University Police office on the first floor of the Van Housen Hall Extension. The following table lists fires reported in campus residence halls during 2022, 2023, and 2024. An incident classified as arson may also appear in the criminal statistics section of this report.

Definition of fire: *Any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.*

Residence Hall Fires Reported

Year	Location	Type or cause	Injuries treated at a medical facility	Deaths	Property damaged	Estimated value of property damage
2022	Town House C-3	Kitchen/oven fire	0	0	None	Not applicable
2023	No fires reported	Not applicable	0	0	None	Not applicable
2024	Van Housen Hall	Arson	0	0	Yes	Less than \$150,000
2024	Bowman Hall	Microwave fire	0	0	None	Not applicable

Prohibited Items in Residence Halls

To help maintain safe and enjoyable residence halls, the following items are prohibited:

Candles and incense

Space heaters

E-cigarettes

Sun lamps and heat lamps

Halogen lamps and floor lamps with multicolored domes

Refrigerators exceeding 4 cubic feet

Extension cords

Electrical cooking appliances such as hot pots, countertop grills, and toaster ovens

Potpourri pots

Electric coils

Lava lamps

Window air conditioners

Charcoal and lighter fluid

Flammable liquids

Electric percolators and drip coffee pots

Flammable materials or chemicals, including those used in campus laboratories, and explosives, including fireworks

Firearms, including BB guns and paintball devices, and other weapons

Tapestries or wall hangings made of fabric

Internal combustion engines

Smoking and vaping are not permitted on campus.

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

New York State Law Regarding Falsely Reporting an Incident

The following statutes are applicable:

Penal Law § 240.50 — Falsely Reporting an Incident in the Third Degree

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

Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a crime, catastrophe, or emergency under circumstances in which it is not unlikely that public alarm or inconvenience will result; or

Reports, by word or action, to an official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a catastrophe or emergency which did not in fact exist; or

Gratuitously reports to a law enforcement officer or agency: (a) the alleged occurrence of an offense or incident which did not in fact occur; (b) an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or (c) false information relating to an actual offense or incident or to the alleged implication of some person therein; or

Reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment, or abuse or neglect of a vulnerable person, which did not in fact occur or exist, to:

The statewide central register of child abuse and maltreatment, as defined in title six of article six of the Social Services Law, or the vulnerable persons' central register, as defined in article eleven of such law; or

Any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section 413 of the Social Services Law, or to report cases of suspected abuse or neglect of a vulnerable person pursuant to section 491 of such law, knowing that the person is required to report such cases and with intent that the alleged occurrence be reported to the statewide central register or vulnerable persons' central register.

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

Penal Law § 240.55 — Falsely Reporting an Incident in the Second Degree

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

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

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

Penal Law § 145.14 — Criminal Tampering in the Third Degree

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

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

For further information, review the [SUNY Potsdam Residence Hall Policies](#).

Reporting Fire and Safety Concerns

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

University Police — Van Housen Hall Extension; 315-267-2222

Environmental Health Safety and Emergency Manager — Raymond Hall 2nd floor; 315-267-2596

Dean of Students — Barrington Student Union; 315-267-2117

Residence Life Staff — Draime Hall Extension; 315-267-2350

Physical Plant — Raymond Hall; 315-267-2135

Fire Safety Education and Training

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

SUNY Potsdam maintains compliance with the New York State Fire Code with respect to fire drills. Fire safety procedures are periodically reviewed with resident assistants and resident directors. Trained and competent personnel inspect and test sprinkler, fire alarm, and smoke detection systems. Residence Life staff periodically inspect rooms for hazardous or dangerous conditions.

In fall 2023, the SUNY Potsdam Environmental Health and Safety and Emergency Management Office conducted a Campus Safety Days presentation. Activities included a mock residence hall room burn in the Student Union Quad, speakers, and other fire safety presentations. Fire extinguisher and fire alarm training were also held in 2023.

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

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

Emergency Evacuation

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

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

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

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

In 2021, all required fire drills were held, including drills in residence halls, academic buildings, and public assembly areas. Monthly drills were also held to meet SUNY Potsdam Child Care Center requirements.

For more information, contact the University Environmental Health and Safety Office at 315-267-2596.

Fire Safety Systems in Student Housing Facilities

The following table describes fire safety systems in SUNY Potsdam residence halls. “Yes” indicates that the listed system or feature is present in the location described.

Building	Assembly location	Detection type	Sprinkler system	Fire suppression system	Alarm sound	Strobe lights
Bowman Hall	Bowman South breezeway	Heat and smoke	Yes — rooms on the west side; trash rooms, basement storage rooms, and kitchen areas elsewhere	Yes — dining areas over grill locations	Horn	Yes — hallways, common areas, and accessible rooms
Knowles Hall	In front of the Knowles MPR entrance inside the Quad	Heat and smoke	Yes — trash rooms, basement storage rooms, and kitchen areas only	No	Horn	Yes — hallways, common areas, and accessible rooms
Lehman Hall	Entryway by the dining hall inside the Quad	Heat and smoke	Yes — trash rooms, basement storage rooms, and kitchen areas only	Yes — dining areas over grill locations	Horn	Yes — hallways, common areas, and accessible rooms
Sisson Hall	Sidewalk on the Quad side between Sisson Hall and the Student Union	Heat and smoke	Yes — trash rooms and kitchen areas only	No	Horn	Yes — hallways, common areas, and accessible rooms
Town House A	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House B	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House C	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House D	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House E	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas

Building	Assembly location	Detection type	Sprinkler system	Fire suppression system	Alarm sound	Strobe lights
Town House F	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House G	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House H	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House I	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas
Town House J	Town House E, by the laundry room	Heat and smoke	Yes — every room	No	Horn	Yes — hallways and common areas

“Whistleblower” Protection

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

SUNY Potsdam Campus Parking Map

University Police: Van Housen Hall Extension, first floor | 315-267-2222

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



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Accessible Text Alternative

The map depicts the SUNY Potsdam campus, surrounding streets, campus buildings, and numbered parking areas. Parking categories are shown by both color and lot number. The tables below reproduce the map legend in text so the information does not depend on color or visual interpretation. Posted signs and permit requirements apply.

Assistance: For help locating University Police, accessible parking, or an accessible route, contact University Police at 315-267-2222. The University Police office is on the first floor of the Van Housen Hall Extension.

Parking Permissions

Map color	Authorized users or use	Permit	Lots
Green	Faculty, staff, commuter students, and visitors	Required	1, 2, 6, 9, 20, 25, and Hosmer Circle
Red	Faculty, staff, resident students, and visitors	Required	18, 19, 22, 23, 24, 25A, 26, and 32
Yellow	Faculty, staff, students, and visitors	Required	17, 27, 28, 30, and 31
Brown	Faculty and staff only	Required	8, 11, 12, 13, 21, and 29
Gray	Service, Maintenance, and SHS	Required	3, 4, 5, 15, and 33
Purple	15-minute parking	As posted	3 and 10

Additional Map Symbols and Parking Features

Map symbol	Meaning	Locations or lots
Black triangle	Overnight parking; permit required	6, 17, 18, 19, 22, 23, 24, 25, 25A, 26, 27, 31, and 32
Wheelchair symbol	Accessible parking; appropriate accessible parking permit required	1, 2, 4, 6, 8, 9, 10, 11, 12, 13, 14, 17, 19, 21, 22, 23, 24, 25, 28, 29, 31, 32, 33, and Hosmer Circle
Light green circle	Bus stop	Locations are shown visually on the map
Black star	Campus directory	Directory markers are shown at several campus entrances and central locations

Map Orientation

Map area	Description
Southern edge	Pierrepont Avenue runs along the lower edge of the map.

Map area	Description
Northwestern edge	Main Street runs diagonally along the upper-left side of the map.
Northern edge	Outer Main Street appears along the upper portion of the map.
Eastern edge	Grove Street runs along the right side of the map near Maxcy Hall and the townhouse area.
University Police	Located in the Van Housen Hall Extension, first floor, in the southeast-central portion of campus near Lots 13, 21, 22, and 33.

Major Campus Areas and Nearby Lots

Campus area	Major landmarks shown	Nearby lots shown
North and northwest campus	Service Center, Crane Music Center, Performing Arts Center, and Hosmer Hall	2, 5, 6, 8, and 9
Central academic area	Kellas, Merritt, Timerman, Crumb, Satterlee, Brainerd, Dunn, and nearby academic buildings	3, 4, 10, 13, and 17
Barrington Student Union area	Barrington Student Union and nearby Sisson, Draime, and Knowles buildings	17, 24, 25, and 25A
Residence hall area	Bowman, Van Housen, Lehman, Sisson, and Draime halls	18, 19, 20, 21, 22, 23, 24, 25, 25A, and 31
Athletics and townhouse area	Maxcy Hall, athletic fields, and the townhouse complex	26, 27, 28, 29, 30, and 32

Contact information: SUNY Potsdam University Police, 44 Pierrepont Avenue, Potsdam, New York 13676; 315-267-2222.

SUNY Potsdam Clery Property Map

State University of New York at Potsdam Workplace Policies

Drug and Alcohol-Free Workplace Policy

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

SUNY Potsdam employees are subject to the following:

1. The term "controlled substance" means a controlled substance in Schedules 1 through V of Section 202 of the Federal Controlled Substance Act (21 USC 812).
2. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee in all SUNY Potsdam work locations is prohibited. An employee may

possess and use a controlled substance which is properly prescribed for him or her by a medical practitioner.

3. On-the-job use of or impairment from alcohol by an employee in all SUNY Potsdam work locations is prohibited.
4. An employee who unlawfully manufactures, distributes, dispenses, possesses or used controlled substances in the workplace will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
5. An employee who uses alcohol on the job or is impaired from the use of alcohol in the performance of the job will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
6. An employee convicted of a drug or alcohol related criminal statute violation occurring in or on property owned or controlled by SUNY Potsdam is required to give a signed written notice of the conviction to the Chief of University Police within five (5) calendar days following the conviction.
7. SUNY Potsdam will notify the appropriate federal agencies, if applicable, within ten (10) days of receipt of a notice of an employee drug conviction.
8. SUNY Potsdam will make every effort to maintain a drug and alcohol-free workplace. This effort will include drug and alcohol awareness education, an employee assistance program and the implementation and strict enforcement of this Policy.

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

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

Policy Statement

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

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

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

Definitions

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

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

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

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

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

Guidelines

I. Employee Awareness

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

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

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

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

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

privileges of employment. SUNY Potsdam will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

- f. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation. SUNY Potsdam shall utilize all reasonable available options to resolve work-related performance problems, and may make a referral to the Employee Assistance Program, consistent with existing collective bargaining unit agreements, statute, regulations and agency policy.
- g. If reasonable measures have been taken to resolve domestic violence-related work performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment due to these domestic violence related issues, and the employee conveys to SUNY Potsdam that the separation is due to these domestic violence issues, SUNY Potsdam shall inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS Labor Law.]
- h. Additional information may be found here: [New York State domestic violence and unemployment benefits information](#)

III. Workplace Safety Plans

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

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

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

The Vice President for Administration & Human Resources or Director of Human Resources Operations will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include: providing a copy of the OP and/or photo of the perpetrator to University Police; identifying supervisors or colleagues who would be able to assist with the identification of the perpetrator; or developing a workplace safety plan. Workplace safety plans may include but are not limited to, advising co-workers and, upon request, the employee's bargaining representative, of the situation; setting up procedures for alerting University Police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule, reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to University Police. SUNY Potsdam will address any additional concerns raised by a situation in which both the victim and offender are employed by SUNY Potsdam.

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

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

V. Accountability for Employees Who Are Offenders

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

- a. In cases in which SUNY Potsdam has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using state resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee may be

subject to corrective or disciplinary action in accordance with existing collective bargaining unit agreements, statutes and regulations.

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

V. Firearms

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

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

VI. Training

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

VII. SUNY Potsdam Responsibility

- a. SUNY Potsdam believes that domestic violence is behavior that cannot be tolerated and, to that end will, actively provide information and support to employees who are victims of such abuse.
- b. SUNY Potsdam will disseminate copies of this *Domestic Violence and the Workplace Policy* to all employees upon implementation and to all new employees upon hiring or appointment.

- c. SUNY Potsdam expects all employees to review and follow this policy and the procedures set forth herein.
- d. SUNY Potsdam will, consistent with applicable law and campus policy, document all incidents of domestic violence that happen in the workplace. Such documents shall be kept confidential to the extent permitted by law and campus policy and the provisions of Section g detailed below.
- e. All SUNY Potsdam employees providing domestic violence information and support services shall document, consistent with applicable law and agency policy, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers. All information about employees who seek assistance shall be kept confidential to the extent permitted by law and campus policy and the provisions of section g detailed below, and documentation should not include any personal information. Bi-annual reporting to SUNY System Administration and OPDV is completed by the College's Domestic Violence Liaison/Title IX Coordinator.
- f. Bi-annually, the Domestic Violence Liaison/Title IX Coordinator shall, consistent with applicable law and SUNY Potsdam policy, provide information about the number and general nature of domestic violence incidents that happen in the workplace, the number of employees who report domestic violence, the number of employees that request information/services, and the number of referrals made to domestic violence service providers, with no personally identifying information, to SUNY System Administration and OPDV.
- g. Information related to an employee being a victim of domestic violence shall be kept confidential, to the extent permitted by law and campus policy, and shall not be divulged without the written consent of the victimized employee, unless the campus determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, only those individuals deemed necessary by the campus to protect the safety of the victim and/or other employees or to enforce an order of protection shall be given such information. SUNY Potsdam shall disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or enforce an order of protection. Where possible, SUNY Potsdam will provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. Nothing herein shall prevent SUNY Potsdam from investigating an act or acts of domestic violence occurring in the workplace. Some examples of situations where confidentiality cannot be maintained include the following:
 - (i) Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - (ii) First aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee's co-workers.
 - (iii) Government officials investigating a domestic violence incident that occurs in the workplace, or a report of domestic violence, shall be provided relevant information upon request and in accordance with legal requirements.

- h. While reported information is kept private to the greatest extent possible by Federal law, State law, and campus policy, New York State law includes clear limitations on legal confidentiality. Information reported to anyone not in a position listed below may have to be disclosed pursuant to a subpoena, where otherwise required by law or in accordance with Section VII, paragraph g above. Such confidentiality exists in certain (but not all) instances for certain medical personnel and counselors, social workers, clergy, attorneys, and rape crisis counselors and may in fact be required to be turned over in these cases through a subpoena or court order. Please note that where medical information is received from an employee who is the victim of domestic violence, such medical information shall be kept confidential to the extent required by and permitted by New York State and Federal laws including, but not limited to, the Americans with Disabilities Act and the Family and Medical Leave Act, if they apply to the employee's situation.

APPENDIX

Information to be Included in Campus Postings Regarding Domestic Violence and the Workplace

At a minimum, the following information shall be provided to current employees and new employees and included in posters posted in areas where employment information is ordinarily posted:

- a. Information regarding domestic violence and available resources in the work site. Such information shall include available sources of assistance such as Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or human resources personnel who are trained and available to serve as confidential sources of information, support, and referral. Additionally, the posters may include information regarding domestic violence programs located on the OPDV website: [New York State Office for the Prevention of Domestic Violence](#).
- b. A statement informing employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims or designation of domestic violence as a pre-existing condition [§2612 of the Insurance Law].

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

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