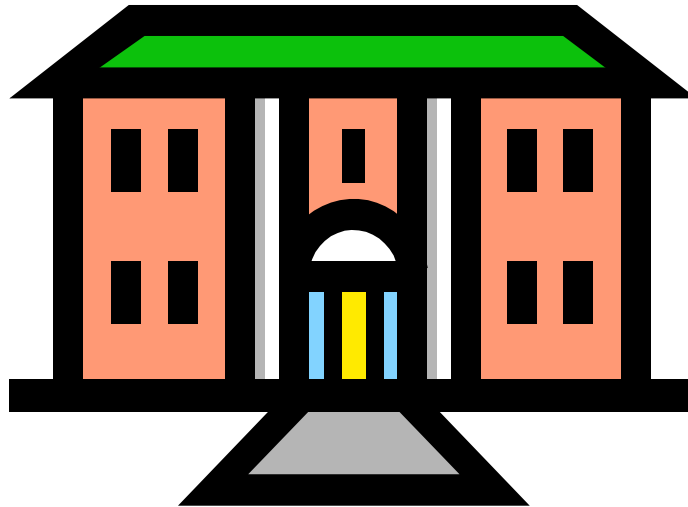


**ALCOHOL AND OTHER DRUG PREVENTION PROGRAM
BIENNIAL REVIEW
2018-2020**



***Compiled in Compliance with the
Drug-Free Schools and Campuses Regulation (34 CFR Part 86)***
by

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**UNIVERSITY AT ALBANY, STATE UNIVERSITY OF NEW YORK
ALCOHOL AND OTHER DRUG PREVENTION PROGRAM
BIENNIAL REVIEW 2018-2020**

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Part I: Program Description and Goals

Mission

The University at Albany, State University of New York continues to implement and evaluate an innovative, comprehensive, targeted, evidence-based, and nationally-recognized Alcohol and Other Drug Prevention (AOD) Program for its entire campus community of 18,000 students and 4,000 employees.

All prevention program initiatives have been designed after:

- Evaluating the alcohol and other drug prevention and intervention literature and receiving consultation from leading national researchers focused on AOD prevention and intervention among college students;
- Implementing annual needs assessment and outcome evaluation to determine student attitudes, perceptions, and health and risk behaviors;
- Establishing a multi-departmental President's Advisory Council on the Prevention of Alcohol and Other Drug Misuse and Related Risk Behaviors at the University; and
- Consulting with campus representatives within the SUNY system.

Our alcohol and drug prevention program efforts employ evidence-based practices at the individual, environmental, and systems levels to:

- Reduce binge drinking and illicit drug use and perceptions of peers' drinking and drug use rates by exposing all segments of our campus community to social norms messages and other preventive interventions delivered within a public health framework;
- Promote, reinforce and support healthy lifestyle choices and low risk behaviors and reduce the harms associated with alcohol and other drug use;
- Provide a welcoming and supportive environment to campus community members who are in recovery through the development of a Collegiate Recovery Program; and
- Disseminate information concerning the University at Albany prevention program to other colleges and universities on a local, state, and national scale.

Specific program objectives are met through a variety of strategies including ongoing process and outcome research and program evaluation, monthly meetings of program staff, virtual conferencing using the system capabilities of our campus, and the enhancement of alcohol and other drug education curricula through the infusion of social norms data into prevention and intervention strategies at the universal, selective, and indicated levels.

University Committees Charged with Alcohol and Other Drug Prevention

The President's Advisory Council on the Prevention of Alcohol and Other Drug Misuse and Related Risk Behaviors

History

In the spring of 1989, an alcohol-related student death on campus mobilized our community to demand a more concerted response to the problem of alcohol misuse. With a letter to the President, students from the Colonial Quadrangle lit the spark that led to the formation of the President's Advisory Council on the Prevention of Alcohol and Other Drug Abuse, and its planning, research efforts, and institution-wide programs. Having begun its work in 1990, one of the Advisory Council's most significant early accomplishments was to conduct a survey of student attitudes and behaviors concerning alcohol and drug use and related risks. In addition, the Advisory Council sponsored forums that encouraged communication among administrators, faculty, staff, and students and hosted campus-wide lectures featuring nationally known speakers in the area of alcohol abuse prevention.

Due to the clear, assessment-based critical need to address a number of high-risk behaviors, such as underage drinking, the use of illegal substances, suicide risk, risky sexual behavior, sexual assault, and interpersonal violence, the mission of the Advisory Council was expanded in the fall of 2006, and the group was re-named, "The President's Advisory Council on the Prevention of Alcohol and Other Drug Misuse and Related Risk Behaviors".

Mission

The President's Advisory Council on the Prevention of Alcohol Misuse and Related Risk Behaviors provides consultation to the President's office regarding issues of policy and institution-wide programs and initiatives. It accomplishes this goal by ensuring a diverse and strong representation from faculty, staff, student, and parents within this group. The mission of the Advisory Council is:

- *To advise the President's Office on matters pertaining to alcohol and drug policy and policy addressing related risk behaviors for the institution;*
- *To advise members of the University community concerning prevention and intervention strategies which address the needs of individuals and groups affected adversely by the alcohol, other drug use, or other high-risk behaviors of students;*
- *To assess the prevalence of alcohol use and other risk behaviors, as well as attitudes and needs of our students;*
- *To assist in institutionalizing comprehensive, evidence-based alcohol and drug misuse and related risk prevention and intervention strategies and initiatives;*
- *To assist in and make recommendations regarding the procurement of resources and grants*

The Committee on University & Community Relations

During the fall of 1989, the University at Albany and the City of Albany experienced an increase in the number and intensity of complaints concerning the behavior of college students off

campus. These complaints came from concerned neighbors, neighborhood associations and the local police department. The complaints were a result of parties in off-campus apartments involving alcohol as well as traffic to and from area taverns. The problems reported involved the abuse of alcohol, yelling and screaming late at night, large and unruly parties, loud music at night and to a lesser degree trash and litter.

As a result of these problems, the then Mayor of the City of Albany and the President of the University at Albany formed the “**Task Force on University & Community Relations.**” This task force was composed of university and community members in a united effort to make recommendations for the problems identified. In the spring of 1990, the report of the task force was released and approved by both the Mayor of the City of Albany and the President of the University at Albany. This report included both proactive and reactive measures as part of a comprehensive and multifaceted approach to improve the situation in the neighborhoods where our off-campus students traditionally live. In addition, as the first recommendation of the task force, a permanent committee was established to both insure that the original recommendations would be implemented and additional initiatives would be developed. As the then “Director of Off-Campus Housing,” I was asked to chair this committee - “**The Committee on University & Community Relations.**”

In the fall of 1990 the committee began to meet on a monthly basis with the original overall goal of **improving relations between college students off campus and their long term neighbors.** Since that time its goals have been expanded to include **improving safety off campus, developing alcohol and other drug prevention and education programs off-campus and improving the quality of life in neighborhoods off campus where college students reside.** The committee is currently composed of student leaders and professional staff from the University at Albany as well as other local colleges – including but not limited to the College of Saint Rose, the Albany College of Pharmacy, the Albany Medical College, the Junior College of Albany/The Sage Colleges, Siena College and Hudson Valley Community College, officials from the Albany Police and Fire Departments as well as the Albany Common Council, neighborhood association representatives, community and religious leaders, tavern owners, landowners and representatives from the Empire State Restaurant and Tavern Association, the New York State Division of Alcohol Beverage Control and the New York State Office of Fire Prevention and Control. Membership is open to anybody who wishes to join.

The committee has been an excellent forum for open and honest interactions among all those attending who are not often seated at the same table. As Henry M. Madej, committee member and past President of the Pine Hills Neighborhood Association, stated: “The committee demonstrates that what seems to be the ‘tradition’ of increasing town-gown antagonism isn’t necessarily inevitable. The energy of both can, when combined, be effective in developing creative solutions to many common quality of life issues.” It has undertaken programs, among others, to educate landowners as well as students about expected tenant behavior, to inform college students about their rights and their responsibilities off campus, to deal effectively and in a timely manner with problems as they are reported, to help enforce local laws and ordinances regarding rental property and to methodically and cooperatively with the Albany Police Department and neighborhood associations log, identify and follow up on quality of life problems off campus. For example, to inform students living off campus about the various laws and ordinances impacted if they decide to host a party in their apartment, door tags entitled “Having a House Party? Don’t Add Getting Arrested to Your Checklist!” have been distributed

door-to-door in student neighborhoods a few days before students return to their apartments. In addition, the committee has developed several initiatives to educate students currently living on campus about local laws and ordinances as well as behavioral expectations off campus as a proactive measure.

Safety became paramount as a result of several incidents off campus a few years ago and has proven to be a unifying agent for both students and their long term neighbors. As a result a number of personal, property and fire safety initiatives were adopted by the committee. Safety continues to be a priority for the committee both in terms of reactive and proactive measures that have been enacted. Former Albany Police Chief and former committee member Robert Wolfgang states:

“From the law enforcement standpoint, Albany’s Committee on University & Community Relations practiced community policing long before it became the popular thing for law enforcement to do. A group of concerned groups and individuals, each with a stake in the outcome and each able to impact on the problems to some extent, joined forces to identify quality of life and crime issues that needed attention. The group, many of whom were not communicating before, pooled their resources and developed and executed plans to address those problems. In doing so, they succeeded in improving the quality of life in the neighborhood, decreased criminal activity, opened up lines of communication between affected parties and created an improved level of understanding.”

Many of the incidents concerning inappropriate behavior off campus seemed to involve alcohol. As one initiative regarding the abuse of alcohol off campus, the "**Tavern Owner Advertisement Agreement**" program was initiated by the committee during the spring of 1995. The committee had discussed in length the issue of tavern advertising as it might impact the behavior of patrons, especially college students, while in a particular establishment and when they leave the premises. As a result, the committee arrived at a **voluntary** Tavern Owner Advertisement Agreement. Those tavern owners signing this document agreed to review the content of any and all advertising with the intention to promote: (1) the responsible and lawful consumption of alcoholic beverages and (2) appropriate as well as civil behavior when leaving their establishment. In addition they agreed to comply with current policies and procedures concerning the posting and distribution of advertisements for the City of Albany, the University at Albany and The College of Saint Rose, copies of which are provided to the tavern owners with the agreement.

Specifically taverns that signed this agreement agreed to fashion their advertising to: (1) include a statement asking all patrons of their establishment to behave responsibly and in a civil manner in the surrounding neighborhood, (2) emphasize the necessity of being 21 years of age or older and possessing the appropriate valid means of identification to prove such, (3) avoid terminology which promotes the irresponsible consumption of alcoholic beverages, and (4) promote and advertise non-alcoholic beverage specials as much as alcoholic beverage specials. A copy of a "Cooperating Tavern" sign is provided for display to those taverns who sign this agreement. In addition a sheet of Cooperating Tavern logos are also provided for inclusion on their advertisements. This program is part of the cooperative effort with tavern owners located in the traditional student neighborhoods that the committee wants to foster to achieve its goals and also gain a better understanding of their perspective regarding these goals. As Michael Byron, owner of the "Washington Tavern," a popular student bar, states:

“The Tavern Owner Advertisement Agreement is a good first step in promoting the responsible advertising of alcoholic beverages by taverns in the City of Albany.”

To date there have been some violations of the agreement by some taverns, but generally all tavern owners who have signed have made changes in their advertisements to comply with this voluntary agreement. In addition, communication between tavern owners and members of the Committee on University and Community Relations has been greatly increased. This has resulted in other cooperative efforts between all parties involved as other problems and issues involving the consumption of alcohol by college students are identified.

Although the committee does not have all the answers concerning improving town-gown relations, making life safer off campus, dealing with underage drinking and the abuse of alcohol by college-age students and improving the quality of life in neighborhoods off campus where college students reside, we do feel that over the past decades we have devised several proactive and reactive programs that have been effective to date in dealing with these challenges in our college communities.

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Alcohol and Other Drug Prevention Program Goals

Goals of the Division of Student Affairs, which is responsible for oversight of the University at Albany's Comprehensive Alcohol and Other Drug Prevention program, and its comprehensive AOD program are nested within the strategic priorities of the University at Albany and are consonant with the strategic values and strategic goals. It is essential to the achievement of our University goals – our educational mission – that we acknowledge that alcohol and drug use has a damaging effect on academic performance. Yet, it is also essential that we see it as a societal problem, and, therefore, a double challenge to those of us in higher education. This is a challenge that we must meet because these behaviors undermine the core of our mission and values. In fact, the health and safety of our students must form the foundation of engaged learning, and, as leaders in higher education, we must assist our communities – faculty, staff and students - to make this connection.

The University's top strategic goals are to promote student success and well-being by providing a distinctive, student – centered undergraduate learning experience that is highly competitive and to provide distinguished graduate and professional programs. Through student recruitment efforts, curricular innovations, community engagement, and campus life improvements, the University is taking major steps towards achieving those goals. Implementing our comprehensive Alcohol and Other Drug Prevention Program is one of those major steps.

To retain highly qualified students, the University must, in fact, be a student-centered university where all work to enhance the quality of life on campus. Critical to this endeavor is the continual review of all of our services – to determine how they can best meet the needs of our students. Of course, the health and safety of these students must always be at the forefront of our concerns.

In this spirit, the University at Albany has set the following AOD prevention goals:

Presidential Leadership

Goal: The University at Albany President will continue to be vocal, visible, and visionary in the area of AOD prevention and will continue to support all initiatives at the University which have demonstrated success.

Status: *Goal achieved. During the Biennial Review period, President Havidan Rodriguez has remained active in and very supportive of campus alcohol and other drug prevention efforts as documented in the listing of AOD program initiatives..*

Campus AOD Task Force

Goal: The President's Advisory Council on the Prevention of Alcohol and Other Drug Misuse and Related Risk Behaviors will continue to provide leadership in the AOD prevention area.

Status: *Goal achieved. The Advisory Council has met twice yearly during the Biennial Review period prior to the onset of the COVID-19 pandemic and has worked on the continued institutionalization of our effective alcohol and other drug prevention programs.*

Student Involvement/Leadership

Goal: The University will recruit and retain a diverse cross-section of student leaders and positive role models for its AOD prevention activities.

Status: *Goal in progress. We have a very diverse group of faculty, staff, and students working in the area of AOD prevention, but these efforts need to continue as our programs grow and are enhanced over time.*

Social Norms Marketing

Goal: The University will update its social norms marketing campaign begun with the support of the OASAS Norms and Misperceptions Grant in 2000 and the U.S. Department of Education Model Program Grant in 2006 by collecting annual social norms data and will assess the effectiveness of the annual campaign.

Status: *Goal in progress. During the Biennial Review period, we enhanced our work in the area of social norms by the continued implementation of general and first-year student-specific social norms campaigns as well as campaigns addressing cannabis and non-medical prescription drug use. These projects continue to produce positive outcomes, leading to increasing reductions in alcohol use and related negative consequences. A particular point of pride for the program is the continuation of social norms interventions during the height of the COVID-19 pandemic.*

Campus-Community Coalition

Goal: The University will continue the activities of the Committee on University and Community Relations and work on the refinement of the elements of the Tavern Owner's Agreement.

Status: *Goal achieved. The activities engaged in by the Committee are reflected in the "initiatives" portion of this Biennial Review document.*

Restricting Alcohol Marketing/Promotion

Goal: University offices involved with the restricting of alcohol marketing/promotion will collaborate to consistently address unauthorized alcohol promotion on campus.

Status: *Goal in progress. The activities engaged in under this goal are reflected in the “initiatives” portion of this Biennial Review document. These efforts need to continue as our programs move forward.*

Alcohol-Free Options

Goal: University departments, such as Campus Recreation, Student Involvement and Residential Life, will make available resources and personnel to sponsor alcohol-free activities and options for students, particularly during evenings and weekends.

Status: *Goal in progress. The activities engaged in under this goal are reflected in the “initiatives” portion of this Biennial Review document. These efforts need to continue as our programs grow further over time.*

Education

Goal: The University will continue its AOD prevention education efforts through the collaboration of personnel and resources targeted to carry out such functions, such as the Middle Earth Peer Assistance Program, Residential Life, and Student Involvement.

Status: *Goal achieved. The activities engaged in under this goal are reflected in the “initiatives” portion of this Biennial Review document. These efforts need to continue as our programs grow further over time.*

Early Intervention

Goal: The University will continue to implement, evaluate, and support the Alcohol Screening and Brief Intervention Program (BASICS) under the auspices of the STEPS Comprehensive Alcohol Screening and Brief Intervention Program as a primary early intervention alternative for students presenting with AOD violations and issues.

Status: *Goal in progress. The activities engaged in under this goal are reflected in the “initiatives” portion of this Biennial Review document. These national award-winning efforts need to be expanded to address marijuana use, non-medical use of prescription drugs, and use of other illicit drugs as our campus needs in these areas increase.*

Policy Evaluation/Enforcement

Goal: The University will engage in ongoing evaluation and refinement of its AOD policies.

Status: *Goal in process. The University engages in ongoing reviews of its policies, which includes the review of AOD policies.*

Parental Involvement

Goal: The University will develop a method of communicating accurate social norms information and statistics around alcohol use at the University at Albany through methods such as brochures, workshops, and presentations and summer orientation and Parent's Forum meetings.

Status: *Goal in progress. The activities engaged in under this goal are reflected in the "initiatives" portion of this Biennial Review document. These efforts need to continue as our programs grow further over time.*

Treatment & Referral

Goal: Counseling and Psychological Services will continue to serve as the central campus point for treatment and referral of students with AOD issues.

Status: *Goal in progress. The activities engaged in under this goal are reflected in the "initiatives" portion of this Biennial Review document. These efforts need to continue as our programs grow further over time.*

Research and Program Evaluation

Goal: The University will continue to conduct outcome evaluation on the effectiveness of the STEPS Comprehensive Alcohol Screening and Brief Intervention Program.

Status: *Goal achieved. The activities engaged in under this goal are reflected in the "initiatives" portion of this Biennial Review document. During the current Biennial Review reporting period, the STEPS Comprehensive Alcohol Screening and Brief Intervention Program continues to be listed in the National Registry of Evidence-based Programs and Practices, and we have received consultation and presentation requests about the program from colleges and universities across the United States.*

Additionally, we have consolidated lessons learned from our translational research work into a book entitled Promoting Behavioral Health and Reducing Risk Among College Students: A Comprehensive Approach published in June 2018 by Routledge Press.

Part II: Alcohol and Other Drug Prevention Program Elements

Presidential Leadership

Presidential efforts have included:

- Making alcohol and other drug misuse prevention a priority in the strategic plan for the institution in the context of supporting health and well-being
- Supporting of efforts focused on collegiate recovery
- Supporting grant projects from a variety of sources, including the National Institute for Alcohol Abuse and Alcoholism (NIAAA), the Substance Abuse and Mental Health Services Administration (SAMHSA), the National Institute on Drug Abuse (NIDA), and the New York State Office of Alcoholism and Substance Abuse Services (NYSOASAS)

Campus Task Force on AOD Abuse and Related Risk Behaviors

- Continuation of the President's Advisory Council on the Prevention of Alcohol and Other Drug Misuse and Related Risk behaviors, which addresses the following priorities:
 - *To advise the President's Office on matters pertaining to institutional policies focused on alcohol and other drugs, mental health concerns, and related risk behaviors;*
 - *To advise members of the University community concerning prevention and intervention best practices which address the needs of individuals and groups affected adversely by the alcohol, other drug use, or related high-risk behaviors of students;*
 - *To assess the prevalence of alcohol and other drug misuse, mental health concerns, and related risk behaviors, as well as attitudes and needs of our students;*
 - *To assist in institutionalizing comprehensive, evidence-based alcohol and other drug misuse and related risk prevention and intervention strategies and initiatives;*
 - *To assist in and make recommendations regarding the procurement of resources and grants*
- Establishing as a priority the dissemination of best practices at local, state, and national conferences and other venues and platforms

Student Involvement/Leadership

- Ongoing communication between student groups and the Addictive Behaviors Specialist concerning the nature and quality of prevention/intervention efforts on campus. (Includes several groups recognized by the Student Association, fraternities and sororities, and student-athletes)

-

- Presentation of prevention programming by the Middle Earth Peer Assistance Program within the University community on alcohol and other drug use among students, as well as topics related to health promotion including healthy relationships, prevention of depression and anxiety, stress management, and multicultural values and awareness
- Working with first-year students, student-athletes and fraternity and sorority leadership to provide ongoing hazing prevention and other educational and social norms programming in the area of alcohol and other drug misuse prevention
- Co-sponsorship of non-alcohol-related social and recreational activities with Campus Recreation, Campus Center Connections, , Student Involvement, and Residential Life

Social Norms Marketing Interventions

- Development, continued implementation, and evaluation of evidence-based comprehensive campus-wide first year student, and student-athlete specific social norms media campaigns addressing alcohol use, marijuana use, and related risk and protective behaviors

Campus & Community Coalitions

- Continued implementation of a campus committee, the Committee on University and Community Relations, to serve as a liaison with the Albany community in addressing issues related to alcohol/substance use off campus.
- Implementation of a nationally-recognized Campus Ambassador Program in the vicinity of the University at Albany Downtown Campus led by the Office of Neighborhood life
- Sponsorship and engagement in collaborative events between the University at Albany and residential neighborhoods, such as the Meet, Munch and More event in Pine Hills and community cleanup days

Restriction of Alcohol Marketing and Promotion

- Prohibition of the marketing or advertising of alcohol by local establishments on campus through University policy
- Aggressive elimination of local bar advertisement literature posted in and around University lecture centers and on Campus Center cafeteria tables

Alcohol-Free Options

- Offering of non-alcohol-related social and recreational activities by Residential Life staff, Student Involvement staff, the University Police Department, and Athletics staff.

Education

- Ongoing educational and social norms programming in the area of alcohol and substance misuse prevention to academic classes, residence halls, student groups, staff members, and community members

- Presentations on topics related to alcohol and substance misuse prevention at programs for students, parents, and families new to the University, including Summer Orientation (for all incoming freshmen) and during Transfer Student Orientation
- Collaboration with the University's Fraternity and Sorority Affairs Coordinator on "Generation Rx seminars to address issues of alcohol use, violence, and hazing.
- Participation in Alcohol Awareness Week programming, including workshops and exhibits.
- Integration of information relating to alcohol/substance misuse with other workshop topics, such as:
 - alcohol and sexually transmitted infections
 - alcohol, other drug use, and relationship violence
 - campus drinking norms and the social climate
 - alcohol use and gambling issues
- Implementation of social norms and social media interventions and awareness campaigns concerning marijuana, non-medical prescription drug use (including stimulant and opioid use), opioids and Naloxone administration, and other drugs
- Training of peer educators, resident assistants, and undergraduate hotline and peer wellness coaches and ambassadors in the area of alcohol and substance abuse prevention and education strategies
- Training of University faculty and professional staff in the area of social norms marketing and alcohol and drug prevention
- Training of University professional staff in the area of alcohol and substance abuse
- Collaboration by Residential Life on major AOD prevention initiatives on campus, including data collection and implementation of the social norms strategy to reduce excessive drinking, sponsoring and presenting educational programming, and providing alternative events for residents (e.g. coffee houses; poetry nights).
- Development and implementation of campus-wide alcohol and other drug misuse and abuse prevention initiatives by the Addictive Behaviors Specialist based within Counseling and Psychological Services

Early Intervention

Early Intervention for At-Risk Students

- The Center for Behavioral Health Promotion and Applied Research and Counseling and Psychological Services STEPS Comprehensive Alcohol Screening and Brief Intervention Program has continued its implementation this past year, along with data collection by the Center for Behavioral Health Promotion and Applied research to evaluate the effectiveness of an expanded STEPS 2.0 intervention focused on alcohol use, marijuana use, non-medical use of prescription drugs, and mental health concerns

- Listing of the STEPS Comprehensive Alcohol Screening and Brief Intervention Program in the National Registry of Evidence-based Programs and Practices of the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services (NREPP), a searchable online database of mental health and substance abuse interventions. All interventions in the registry have met NREPP's minimum requirements for review and have been independently assessed and rated for Quality of Research and Readiness for Dissemination. The purpose of NREPP is to help the public learn more about available evidence-based programs and practices and determine which of these may best meet their needs. NREPP is one way that SAMHSA is working to improve access to information on evaluated interventions and reduce the lag time between the creation of scientific knowledge and its practical application in the field. The NREPP listing for the STEPS program may be found at:
<http://www.nrepp.samhsa.gov/ViewIntervention.aspx?id=292>
- Continued implementation and evaluation of evidence-based Screening and Brief Intervention (SBI) services provided by Counseling and Psychological Services that target a variety of high risk behaviors often associated with drinking. These preventative interventions target first year students, student-athletes, fraternity and sorority members, students mandated to Community Standards for alcohol policy violations, and students who seek health-related services at the Student Health Center. The ancillary risky behaviors addressed are linked to current alcohol use and the potential for compromising a college student's health and safety.
- Updating of a campus-community referral network for students with alcohol/substance abuse concerns and issues by the Behavioral Health Case Manager within Counseling and Psychological Services
- Launching of a Collegiate Recovery Program at the University at Albany through the Center for Behavioral Health Promotion and Applied Research
- Training of students, faculty, and staff members in Naloxone administration to address opioid overdoses

Interventions for Mandated Students

- Implementation of an adapted BASICS intervention with students mandated for University alcohol policy violations

Policy Evaluation and Enforcement

- Continued implementation of a University at Albany *Good Samaritan 911 Policy* to support students who seek assistance in the case of an alcohol-related medical emergency, either for themselves or for other students
- Consistent provision of timely and effective adjudication by the University Police Department, Community Standards and Residential Life of alcohol related incidents among students

- Referral of students who violate University alcohol or other drug policies/community standards by Community Standards and Residential Life to the Counseling and Psychological Services STEPS program
- Referral of students who violate alcohol policies to Community Standards and/or the University Police Department or local police agencies as appropriate
- Development and dissemination of materials concerning drinking laws and the penalties associated with fake or altered identification
- Development, dissemination, evaluation and revision of alcohol and drug policies
- Enforcement of alcohol policies by self-regulating student groups such as the Interfraternity Council, Pan Hellenic Association, and fraternity and sorority organizations
- Training of University at Albany Police Department, Five Quad Ambulance Service, and Division of Student Affairs staff members regarding opioid use and Naloxone administration
- Training of University Police Department officers in the operation of alcohol detection equipment and recognition of impaired operation of vehicles
- Training of University staff in the recognition of and intervention for students under the influence of alcohol or other drugs

Parental Involvement

- Engaging parents and families in the University alcohol use prevention campaign through the development and dissemination of materials describing (1) the actual alcohol use rates by students (part of the University's social norms campaign), and (2) how parents can play an active role in the prevention of substance abuse
- Participation by parents and families of incoming first year students in a "Transitions" orientation program addressing accurate norms and rates of alcohol use by University at Albany students and outlining strategies for discussing parental expectations around academic performance and alcohol and other drug prevention

Treatment and Referral

- Enhancement of a referral network for students with alcohol/substance abuse concerns and issues
- Assessment, treatment, and referral of students requiring treatment for alcohol and other drug concerns by Counseling and Psychological Services
- Training of University at Albany Police Department and Five Quad Ambulance Service in the use of Naloxone (Narcan) in opioid overdose emergencies
- Scheduling and technical assistance to Alcoholics Anonymous (AA) groups on and off campus

Research

- Re-administration in Spring 2020 of the *UAlbany Student Health Survey*. Students were administered the survey from a stratified random sample of classrooms selected under the guidance of the University's Office of Institutional Research, Planning, and Effectiveness. This research is part of a campus and national effort to assess college health factors impacting academic performance, retention and campus life. Results of the survey are currently being used to generate prevalence rates of student's behavior and perceptions. This data will help to plan programs, prioritize campus needs, allocate resources, design strategies for intervention, and identify protective and risk factors associated with academic performance.
- Administration of surveys focusing on the impact of the COVID-19 pandemic on student alcohol and other drug use and related risk behaviors
- Continued implementation and evaluation of the STEPS 2.0 program addressing alcohol use, marijuana use, non-medical prescription drug use, and co-occurring mental health concerns
- Continued implementation and evaluation of AOD abuse prevention initiatives, including the social norms media campaign, campus presentations and events, and Middle Earth Players programs
- Evaluation of the STEPS Comprehensive Alcohol Screening and Brief Intervention Program, including the collection of prevalence data, assessment of student AOD perceptions and attitudes, the collection of feedback from participants regarding their experience in the program, and outcome evaluation (including changes in substance use and decrease in the occurrence of negative consequences associated with substance use)
- Collaboration with faculty members in the publication of articles in professional journals targeted to colleges and universities and the AOD misuse prevention area
- Publication of a new book entitled *Promoting Behavioral Health and Reducing Risk Among College Students: A Comprehensive Approach*: Cimini, M.D. & Rivero, E.M., Eds. (In press). *Promoting Behavioral Health and Reducing Risk among College Students: A Comprehensive Approach*. New York: Routledge.

Grant Activities

During the 2018-2020 academic year, the Center for Behavioral Health Promotion and Applied Research implemented the following grants to address high-risk drinking and related risk behaviors in several sub-populations of University at Albany students:

- **Project PHARM: Personalized Health Assessment Related to Medications**
This project aims to develop, implement, and evaluate the efficacy of screening and brief intervention for the non-medical use of stimulant and co-occurring marijuana and alcohol use at nine colleges and universities across the United States.
Funder: National Institute on Drug Abuse
Award Amount: \$451,677
Project Dates: 7/1/15-6/30/20
- **University at Albany Alcohol and Other Drug Environmental Prevention Project**
This project aims to enhance and evaluate the University at Albany's comprehensive prevention program addressing alcohol and other drug misuse among students. Focus areas will include the enhancement of the University's campus –community coalition as well as efforts in Screening, Brief Intervention, and Referral to Treatment (SBIRT).
Funder: New York State office of Alcoholism and Substance Abuse Services (via MOU)
Award Amount: \$656,000
Project Dates: 7/1/17-6/30/22
- **“Recovery is Spoken Here” Collegiate Recovery PSA Development Project**
Funds for this project will be used to support the development of a Public Service Announcement to focus on services on campus available to students in recovery.
Funder: New York State office of Alcoholism and Substance Abuse Services)
Award Amount: \$11,880
Project Dates: 2/15/18-4/30/18
- **University at Albany Collegiate Recovery Program Enhancement Project**
This project aims to enhance and evaluate the University at Albany's Collegiate Recovery Program (CRP). Focus areas will include enhancing access to health and counseling care for students in recovery, offering collegiate recovery housing, providing educational opportunities and academic support to students in recovery, and expanding the network of campus and community services that are collaborating with the CRP to promote retention and graduation for students in recovery.
Funder: New York State office of Alcoholism and Substance Abuse Services
Award Amount: \$240,000
Project Dates: 9/30/18-9/29/20
Role on Project: Principal Investigator

The science-based interventions implemented in the above projects have been developed and rigorously researched and designated as model strategies. For each of the above projects, a primary goal involves the institutionalization of effective program components and dissemination of information concerning the effective components of each project to Institutions of Higher Education at a local, state, and national level.



The STEPS Comprehensive Alcohol Screening and Brief Intervention Program
Counseling and Psychological Services, Division of Student Affairs
University at Albany, SUNY

The ***STEPS Comprehensive Alcohol Screening and Brief Intervention Program*** was recognized with a listing in the National Registry of Evidence-based programs and Practices (NREPP_ on December 9, 2013.

The National Registry of Evidence-based Programs and Practices of the Substance Abuse and Mental Health Services Administration, U.S. Department of health and Human Services (NREPP), is a searchable online database of mental health and substance abuse interventions. All interventions in the registry have met NREPP's minimum requirements for review and have been independently assessed and rated for Quality of Research and Readiness for Dissemination. The purpose of NREPP is to help the public learn more about available evidence-based programs and practices and determine which of these may best meet their needs. NREPP is one way that SAMHSA is working to improve access to information on evaluated interventions and reduce the lag time between the creation of scientific knowledge and its practical application in the field.

The STEPS Comprehensive Alcohol Screening and Brief Intervention Program, developed for college students, aims to reduce alcohol use frequency and quantity as well as the negative consequences associated with alcohol use. Based on the *Brief Alcohol Screening and Intervention for College Students* (BASICS) model, reviewed by NREPP separately, the three versions of STEPS are designed to meet the distinct and complex needs of three groups of college students engaging in high-risk drinking: first-year students (Project First STEPS), students seeking primary health and mental health care on campus (Project Healthy STEPS), and student athletes (Project Winning STEPS).

Part III: Program Strengths and Weaknesses

Strengths:

- The University at Albany Alcohol and Other Drug Prevention Program is a comprehensive, targeted, innovative, and evidence-based program driven by a wide variety of segments of the campus community who work together to carry out key initiatives and program elements. The program is built on the model outlined by the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, formerly under the oversight of the U.S. Department of Education, and contains goals and initiatives in each of the following areas:
 - *Presidential Leadership*
 - *Campus AOD Task Force*
 - *Student Involvement/Leadership*
 - *Social Norms Marketing*
 - *Campus-Community Coalitions*
 - *Restricting Alcohol Marketing/Promotion*
 - *Alcohol-Free Options*
 - *Education*
 - *Early Intervention*
 - *Policy Evaluation/Enforcement*
 - *Parental Involvement*
 - *Treatment & Referral*
 - *Research and Program Evaluation*

- The University at Albany Alcohol and Other Drug Prevention Program is evidence-based, and informed by the nationally-recognized work of several University community members. Initiatives and programs are driven by state-of-the-art methods in areas such as the following:
 - Research on alcohol and drug screening and brief intervention
 - Social norms marketing research
 - Environmental management research
 - Research on Campus-Community Coalitions

- The University at Albany Alcohol and Other Drug Prevention Program is a national leader in a number of areas and conducts its own research-to-service work, offering contributions to the AOD field on an international scale.

Weaknesses:

While the University at Albany Alcohol and Other Drug Prevention Program has a number of strengths, we continue to face challenges in the following areas:

- Ensuring consistent enforcement of policies across all segments of the University community;
- Development and testing of evidence-based interventions to address cannabis and non-medical prescription drug use as well as use of other types of illicit drugs
- Securing resources to maintain the momentum of our comprehensive AOD program initiatives determined to be effective based on outcome research.

Part IV: Listing of AOD Policies and Procedures for Distribution

Listing of Alcohol and Drug Policies

(Text of policies listed below may be found in the appendix.)

Alcohol and Controlled Substances at the University

<https://www.albany.edu/risk-management-compliance/policy/alcohol-and-controlled-substances-university>

Good Samaritan 911 Policy

https://www.albany.edu/studentconduct/good_samaritan.php

Policy on Alcohol and Drugs in the Workplace

<https://www.albany.edu/hr/assets/Alcohol.pdf>

Tailgating Rules

<https://ualbanysports.com/sports/2020/3/5/tailgating-rules.aspx>

Community Rights and Responsibilities

Annual Notification and Dissemination of Alcohol and Drug Policies

Alcohol and Other Drug Policies are distributed as follows:

- Inclusion of AOD Policies in a University publication entitled, Community Rights and Responsibilities, with access to this publication via the World Wide Web and provision of print copies downloaded from the document posted on the Web upon student request.
- Placement of the AOD Policy on the University's web page within the section on Community Standards of the Division of Student Affairs;

Distribution of Alcohol and Drug Policies to Employees

Alcohol and Other Drug Policies are distributed as follows:

- Distribution of AOD Policies to all employees via a memorandum from the Vice President for Finance and Administration or a department designated by the Vice President for Finance and Administration;
- Placement of the AOD Policy for University employees on the University's Human Resources web page.

Annual notification of alcohol and drug policies, drug effects, resources and services, and other required information is disseminated in October of each academic year to all students and employees via a blast email message. An example appears in the appendices to this Biennial Review document...

Part V: Recommendations

The University at Albany has continued to make strides during the past two years in its alcohol and drug prevention efforts. Yet, we have also identified several challenges to be addressed during 2020-2022. To this end, the following program recommendations have been identified, and progress on these recommendations will be reported within the 2020 Biennial Review:

- **Recommendation 1:**
The University will continue to work toward ensuring consistent enforcement of policies across all segments of the on-campus and off-campus community.
- **Recommendation 2:**
The University will take steps to evaluate the messages provided to prospective students and families and the community regarding the elements of its comprehensive alcohol and other drug prevention program in order to ensure that messages that are disseminated reflect best practices in the prevention field.
- **Recommendation 3:**
The University will continue to expand and enhance its evidence-based interventions to address marijuana use, non-medical use of prescription drugs, and use of other illicit substances.
- **Recommendation 4:**
The University will continue its work in securing internal and external resources to enhance the momentum of our comprehensive AOD program initiatives, particularly those that are evidence-based and have demonstrated effectiveness in reducing alcohol and other drug use and related risks.
- **Recommendation 5:**
The University will continue its national prominence in leading and informing best practices in the prevention of and intervention for alcohol and other drug abuse among college students.

<p style="text-align: center;">Part VI: Contact Information</p>
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For further information regarding this Biennial Review, please contact:

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Appendices

Alcohol and Controlled Substances at the University

Adopted Policy 1.7

Policy Purpose

To set forth the University at Albany principles for the responsible and lawful use of alcohol by the University community and the prohibition of illegal Controlled Substances on Campus.

Responsible Office

Enterprise Risk Management and Compliance, Division for Finance and Administration

Responsible Executive

AVP for Enterprise Risk Management and Compliance

Policy History

- Date of Permanent Approval: November 25, 2019
- Date of Amendments: February 18, 2020
- Date of Amendments: March 24, 2022

Policy Statement

The University at Albany is committed to upholding all state and federal laws regarding Alcoholic Beverages and Controlled Substances, establishing an approval process for the responsible Sale and Service of Alcoholic Beverages at University Related Events in limited circumstances, minimizing the misuse of alcohol, maintaining a drug-free workplace, and providing education on the risks associated with the use and abuse of alcohol and Controlled Substances, as well as offering prevention service and referral to treatment as indicated and appropriate.

All University Community members should be aware that there are significant psychological and physiological health risks associated with the abuse of Alcoholic Beverages and Controlled Substances (see related documents). Physical addiction, loss of control and withdrawal symptoms as well as serious damage to vital organs of the body can result from abuse of Alcoholic Beverages and Controlled Substance.

Persons Affected

Students, Faculty, Staff, Third Parties

Definitions

Alcoholic Beverage(s) is any alcohol or alcoholic beverage(s) as defined in the New York State Alcoholic Beverage Control Law Article 1, Paragraph 3.

Campus or Campuses is any University owned, leased, licensed or operated space, facility, property, grounds, equipment, motor vehicle or building, excluding Brubacher Hall.

Campus Event Alcohol for the purpose of this policy is defined as the types of Alcoholic Beverages permitted at Events on Campus. Campus Event Alcohol is limited to beer, wine (including champagne), and hard cider. If prior written approval to serve or sell other types of Alcoholic Beverages has been obtained from the Responsible University Official, then for that Event only, Campus Event Alcohol will also include any additional Alcoholic Beverages approved to be Served or Sold at that Event only.

Cannabis is defined as in the New York State Marihuana Regulation and Taxation Act.

Controlled Substance, as defined in this policy, is a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of title 21 USCS Section 812 of the Federal Controlled Substances Act, including Cannabis.

Employee is any faculty member or staff employed by the University at Albany. This includes permanent, temporary, full-time, part-time, hourly, provisional or any other person who is on the payroll of the University in any capacity.

Event(s) is any on Campus activity sponsored, funded, or organized by the University, Students, Employees, University-related Organizations, or Third Parties, including, but not limited to, formal and informal gatherings, parties, and presentations by and for Students and/or Employees, but excludes informal student gatherings within Residence Halls.

Event Host is the individual or group sponsoring an Event that takes place on Campus.

Freshman Designated Housing is Campus residential areas specifically dedicated to Freshman students. See the [Housing License \(https://www.albany.edu/residential-life/policies-procedures/housing-license\)](https://www.albany.edu/residential-life/policies-procedures/housing-license) for more information.

Health Sciences Campus is that portion of the University at Albany Biosciences Development Corporation's grounds and facilities used under lease or license by the University, New York State Department of Health, or Research Foundation for SUNY for University operations.

Impaired, for the purpose of this policy, means being unable to perform his or her duties as a result of a debility which may be caused by use of an Alcoholic Beverage or Controlled Substance, including Cannabis.

Reasonable Suspicion is a specific, reliable, and articulable observation that the appointing authority or designee can articulate concerning the appearance, behavior, speech or body odor of an Employee regarding whether the Employee is suffering from an inability to perform their duties due to use of an Alcoholic Beverage or Controlled Substance, including Cannabis. The following observations may indicate such use: unsteady gait, odor of alcohol on the breath, thick or slurring speech, aggressive or abusive language or behavior, and disorientation or lethargy. It is also not unreasonable for the appointing authority to consider the employee's time and attendance patterns, such as absences around weekends, pass days or payday, excessive use of sick leave, excessive lateness and unauthorized absences, on-the-job accidents, difficulty in recalling instructions or conversation, poor relationships with co-workers and supervisors, and other variations in productivity when determining if a Reasonable Suspicion exists.

Responsible University Official is the Responsible University Official for this policy unless denoted otherwise.

Residence Halls, for the purpose of this policy, are defined as the residential buildings on the quadrangles, Indigenous, State, Colonial, Dutch, and Alumni as well as the University Apartment complexes, Freedom Quad, Empire Commons and Liberty Terrace.

Sale, Sold, or Selling of Alcoholic Beverages or Campus Event Alcohol is the act of dispensing Alcoholic Beverages or Campus Event Alcohol through direct sale or at an Event where alcohol is dispensed and any of the following occur:

- an admission charge or tickets are sold
- donations are collected
- items, including cash, are bartered or traded in exchange for Alcoholic Beverages or Campus Event Alcohol
- food is sold (even if Alcoholic Beverages or Campus Event Alcohol is free)

Serve, Served, Service or Serving of Alcoholic Beverages or Campus Event Alcohol is the dispensing of Alcoholic Beverages or Campus Event Alcohol in any fashion, whether Sold or given away, for consumption by an individual at an Event.

Student(s) for the purpose of this policy is defined as anyone registered for courses, either full time or part time, online or on Campus, pursuing undergraduate, graduate, or professional studies either in a degree program or in non-degree status or auditing classes; anyone who confirms their intent to enroll

in programs and attends orientation sessions; and anyone who resides in the residence halls for any purpose, including camps, vacation, between semesters housing, or to take classes at other institutions.

Third Party or Parties is any person, organization, group or entity not legally affiliated with the University including, but not limited to, the general public, contractors, vendors, guests and visitors to the University or Campuses, those using University facilities or property under a University revocable permit, and volunteers whether or not enrolled as such on University systems.

UAS is University Auxiliary Services at Albany, Inc.

University is the University at Albany, State University of New York.

University Community is the University Students, Employees, University-related Organizations, and all volunteers, vendors, contractors, visitors, and guests who regularly or periodically occupy and/or utilize the Campuses of the University at Albany.

University Related Event is any event where the University or any University-related Organization is the primary organizing or financing entity for the event, where University business is to be conducted or which is related to the University via title of the event or use of University name, marks, and logos.

University-related Organization or Organization(s) is one or all of the following entities associated with the University: University at Albany Foundation, Research Foundation for State University of New York, University Auxiliary Services at Albany, Inc., University at Albany Bioscience Development Corporation, Alumni Association of the State University of New York at Albany, Empire Commons Student Housing, Inc., Student Association State University of New York at Albany, Inc., University at Albany Graduate Student Association, and Five Quad Volunteer Ambulance Service, Inc.

SUNY is the State University of New York.

Policy

- A. General Restriction on Alcoholic Beverages and Controlled Substances on Campus
 1. It is illegal in New York State and prohibited by the University for any person under the age of 21 to possess any Alcoholic Beverages with the intent to consume the Alcoholic Beverages; or for Alcoholic Beverages to be made available, by Sale or otherwise, to anyone under 21 years of age, or to anyone who is visibly intoxicated.
 2. Possession of open containers of Alcoholic Beverages or consumption of Alcoholic Beverages are not permitted on Campus except as specifically authorized by this policy under Section C regarding Students, Section D regarding Sale and Service of Campus Event Alcohol on Campus, or under [University Tailgating Rules](http://www.ualbanysports.com/ViewArticle.dbml?DB_OEM_ID=15800&ATCLID=211045689) (http://www.ualbanysports.com/ViewArticle.dbml?DB_OEM_ID=15800&ATCLID=211045689). Possession of open containers of Alcoholic Beverages or consumption of Alcoholic Beverages on Campus may be subject to municipal open container laws in addition to this policy.
 3. Consistent with the applicable Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), the University prohibits the possession, use or distribution of a Controlled Substance or any drug unlawful to possess is a violation of law and University policy, except as expressly permitted by law or University Office of Environmental Health and Safety policy on Use of Controlled Substances in Research on University Campuses. All Students and Employees are advised that individuals who violate federal, state and/or local laws and University policy regarding Controlled Substances are subject to University disciplinary action and/or criminal prosecution. Penalties may include attendance and completion of appropriate rehabilitation programs in addition to federal, state, local and/or University sanctions. Note that under federal law, the use, possession, and distribution of Cannabis is illegal and therefore prohibited on Campus, regardless of its legalization in New York State.

4. All University visitors, guests, and Other Third Parties are subject to University policy 6.4 Rules for the Maintenance of Public Order for their conduct on Campus and are required to follow all aspects of this policy.
- B. Employees -- drug and alcohol free workplace
1. In accordance with federal law and New York State policy, per the Governor's Office of Employee Relations:
 - a. Employees of the University are prohibited from distributing, selling, attempting to sell, possessing, or purchasing Controlled Substances while at the workplace or while performing in a work-related capacity, except for possession with a valid prescription. Such acts that are illegal in federal or New York State law, even if engaged while in off duty status, may result in criminal, civil and disciplinary penalties.
 - b. Employees of the University are prohibited from on-the-job use of, or impairment from, Alcoholic Beverages or Controlled Substances, as can be established by Reasonable Suspicion.
 - c. Use of prescribed drugs by Employees of the University is legal if under a doctor's supervision. The use of prescribed drugs without a physician's prescription is illegal and therefore prohibited and punishable.
 2. Pursuant to SUNY Policy 3400 Drug-Free Schools and Communities Act/Drug-Free Work Place Act Compliance, the Campus must be free from unlawful possession, use, or distribution of Alcoholic Beverages or Controlled Substances. University-related Organizations residing on Campus must abide by this policy.
 3. Volunteers and contractors of the University are required to follow all aspects of this policy.
 4. No Employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as determined by Reasonable Suspicion, as a result of consuming or being under the influence of Alcoholic Beverages and/or Controlled Substances, including Cannabis.
 5. The above provision does not exclude the possibility that an Employee may report to work under the influence of a Controlled Substance or Cannabis when such use is pursuant to the instructions of a medical provider who has advised the Employee that the substance does not adversely affect the Employee's ability to safely execute their employment duties, or when the use of Cannabis under the New York State Marihuana Regulation and Taxation Act does not lead to Reasonable Suspicion of Impairment.
 6. If a supervisor has a Reasonable Suspicion that an Employee is under the influence of an Alcoholic Beverage(s) or a Controlled Substance, including Cannabis, while at work, the supervisor should immediately inform the University Office of Human Resources Management. The University Office of Human Resources Management will assist the supervisor in performing due diligence to ascertain whether there is a Reasonable Suspicion that the Employee is Impaired by Alcoholic Beverages or a Controlled Substance, including Cannabis, and is unable to perform the duties of their position.
 7. Once a determination is made that the University Employee is Impaired by and, therefore, is not able to perform their duties due to use of Alcoholic Beverages or a Controlled Substance, including Cannabis, the University shall determine appropriate next steps, including, but not limited to, making arrangements for the Employee to undergo medical testing, contacting the University Police Department or other appropriate law enforcement agencies, making a referral to the Employee Assistance Program, and/or taking disciplinary action against the Employee up to and including termination, pursuant to the procedures contained in the applicable collective bargaining agreement and in compliance with applicable federal and state laws, rules, and regulations including Section 72 of the Civil Service Law.

8. All members of the University Community found to be in violation of law as per this policy will be reported to the University Police Department and may face criminal charges.
9. If there is a Reasonable Suspicion that an employee, volunteer, vendor, contractor, visitor, or guest of a University-related Organization is under the influence or impaired by Alcoholic Beverages or a Controlled Substance, including Cannabis, the applicable University-related Organization shall be notified and the University may take action or require that action be taken as deemed appropriate to remove the person from Campus if such person, in the opinion of the University, is in any way disrupting the normal operation of the Campus.
10. The University will continue to enforce Employee alcohol and drug testing as necessary in accordance with New York State or federal law. This may include Cannabis if required by federal law.
11. Employees must notify the University Office of Human Resources Management or the Human Resources Office of their employer who shall in turn notify the University Office of Human Resources Management of any criminal conviction for a Controlled Substance related activity in the workplace no later than five (5) working days after such conviction. The University will notify appropriate federal agencies of such a conviction within ten (10) days of receiving notice of a conviction.
12. In accordance with New York State Vehicle and Traffic Law Article 19A, Section 509 (l), Employees who are considered drivers under this law have to notify their supervisor of a receipt of notification that their license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn or that they have been convicted of a violation of any provision of Section 1192 of the New York State Vehicle and Traffic Law as shall constitute a misdemeanor or a felony in any jurisdiction before the end of the business day on which such notification is received.
13. The Omnibus Transportation Employee Testing Act of 1991 (OTETA) also requires the University or University-related Organization to conduct pre-employment, pre-assignment (promotion), reasonable suspicion, post-accident, random, follow-up and return to duty alcohol and Controlled Substance testing on all Employees whose positions require the possession of a Commercial Driver's License(CDL).
14. After January 1, 1996, an Employee covered by OTETA and notified of being in a safety sensitive position as defined by the rules of OTETA is further prohibited from the consumption of Alcoholic Beverages four (4) hours prior to operating a commercial motor vehicle (CMV). No supervisor having knowledge that an Employee in such a position has used Alcoholic Beverages within four (4) hours shall permit that Employee to operate a CMV. No Employee serving in a safety sensitive position as defined by the OTETA shall report to work in a condition that violates the act and the corresponding rules.
15. Work-related accidents or injuries involving state vehicles, equipment and/or property where it can be demonstrated that the use of Alcoholic Beverages or Controlled Substances, including Cannabis, may have been a contributing factor will result in formal disciplinary action which can include penalties up to and including termination of employment. In addition, Employees serving in safety sensitive positions covered under OTETA shall be required to take post-accident alcohol and Controlled Substance tests. An Employee serving in OTETA covered position shall not use Alcoholic Beverages or a Controlled Substance, with the exception of those prescribed and directed to be taken by a medical provider, for either eight (8) hours following an accident or until the employee undergoes the post-accident alcohol test, whichever occurs first.
16. The University will make an effort to maintain an alcohol and Controlled Substance-free workplace. This effort will include alcohol and Controlled Substances awareness education, an Employee Assistance Program and the implementation and strict enforcement of this policy.

17. Where written University policy conflicts with the collective bargaining agreements, the collective bargaining agreements shall govern.

C. Students – drug and alcohol free educational environment

1. Students are subject to the University Community Rights and Responsibilities (student code of conduct), which prohibits the possession and use of Cannabis, as well as the possession of other Controlled Substances and drug paraphernalia on Campus and limits the possession of prescription drugs on Campus to the individual who has a valid prescription for any and all prescription drugs in their possession. Note that the student code of conduct applies to both on and off campus conduct.
2. Pursuant to section A (1) of this policy, no person under the age of twenty-one (21) years may possess or consume Alcoholic Beverages at any time on Campus.
3. Individuals of legal drinking age in New York State may not provide Alcoholic Beverages to Students under the legal drinking age of twenty-one (21), roommates, suitemates, visitors or guests, or other Third Parties.
4. Alcohol may only be Sold and Served at off-campus registered Student organization events when the Office of Student Involvement and its Student Organization Resources Center (SORC) have determined the following, and explicit permission has been granted:
 - a. All applicable federal, state, local laws and University policies will be followed; and
 - b. An appropriate risk management plan will be implemented by the sponsoring Student organization. Contact the SORC at sorc@albany.edu (<mailto:sorc@albany.edu>) with any questions.
5. The prohibition of carrying open containers of Alcoholic Beverages or consuming Alcoholic Beverages on Campus, as detailed in section A (2) of this policy, includes movement between Residence Hall rooms or apartments with an open container of an Alcoholic Beverage.
6. All Students who live in Residence Halls are subject to the applicable University Residence Hall license regarding possession and consumption of Alcoholic Beverages and are responsible for informing their visitors and guests of the same.
7. Professional residential or faculty Employees over the age of twenty-one (21) are exempt from the University Residence Hall license restrictions on possession and consumption of Alcoholic Beverages in Freshman Designated Housing within their assigned living accommodations.
8. Students and their visitors and guests, including those over the age of twenty-one (21), need to follow the rules outlined in the Residence Hall license and the student code of conduct regarding Alcoholic Beverages, including specific University prohibitions of behaviors that promote excessive and unsafe consumption of Alcoholic Beverages. Failure of visitors or guests to abide by these rules may lead to immediate removal from Campus under University policy 6.4 Rules for the Maintenance of Public Order and the Student who the visitors or guest was visiting may be held accountable under the student code of conduct.
9. Compliance with all requests by University staff, including Residential Life staff or University Police in verifying proof of twenty-one (21) year old age status of any Student or Third Party is required. If there is reasonable suspicion to believe that an Alcoholic Beverage might be in squeeze bottles, cups or other such containers, University staff reserve the right to approach Students, visitors or guests, verify the contents of such container and hold individuals accountable under the provisions of this policy.
10. Driving on Campus under the influence of Alcoholic Beverages, non-prescribed or excessive prescribed Controlled Substances is strictly prohibited and violators may be subject to arrest, loss of driving and parking privileges on campus, and a student disciplinary referral that may result in possible suspension or expulsion from the University.

11. The University will maintain education and prevention, intervention, and referral services and programs on use and abuse of Alcoholic Beverages and Controlled Substances and make the information about these services and programs widely available to all Students. University Counseling and Psychological Services provides prevention and early intervention services; the Center for Behavioral Health Promotion and Applied Research provides prevention and education services. University Counseling and Psychological Services (https://www.albany.edu/counseling_center/) can be reached at (518) 442-5800. The Middle Earth Peer Assistance Program (<https://www.albany.edu/middleearthcafe/>), which offers information and referral as well as alcohol and drug education under the supervision of the Center for Behavioral Health Promotion and Applied Research, can be reached at (518) 442-5777.

University Counseling and Psychological Services are located at 1400 Washington Ave, Albany NY 12222, Dutch Quad and the Middle Earth Peer Assistance program is located in B005 (Basement Level), Seneca Hall, Indigenous Quad.

13. The University will maintain and make publicly available information on the sanctions for Student infractions of prohibited use of Alcoholic Beverages and Controlled Substances in the Sanction Guide.
 - a. The sanctions specified in the Sanction Guide, under alcohol and drugs respectively, are the minimal expectations applied by staff in most Student conduct cases involving alcohol and other drugs. The University's response is not restricted to those sanctions listed in the protocol. Students are advised that illegal possession and/or use of Alcoholic Beverages and Controlled Substances is strictly prohibited at the University.
14. Parents of Students who are under the age of twenty-one (21) are notified in writing of any alcohol or Controlled Substances violations by their child.
15. The University maintains amnesty policies exempting Students who reach out for assistance in case of a medical emergency or to report an incident of sexual misconduct from code of conduct violations for alcohol and drug use which can be found in the Student Code of Conduct.

D. Sale and Service of Campus Event Alcohol on Campus

1. Selling or Serving Campus Event Alcohol at any Event, including informal events and University Related Events, requires the prior written approval of the Responsible University Official which may be requested using the procedures promulgated in support of this policy.
2. Sale or Service of Campus Event Alcohol at any Event shall be limited to beer, wine (including champagne), and hard cider. No Alcoholic Beverages other than these three types, including any other liquor or spirits may be Served or Sold at any Event. The Selling or Serving of Campus Event Alcohol at an Event, including at University Related Events, regardless of funding source is prohibited during the hours of 8:00 am – 5:00 pm Eastern Standard or Daylight time as applicable Monday through Friday.
3. Sales and Service of Campus Event Alcohol at an Event, in any quantity, may only be conducted under a New York State liquor license issued to either the UAS-contracted caterer; a third party caterer approved for use by UAS and the UAS- contracted caterer; or on the Health Sciences Campus, the UAS-contracted caterer or a caterer approved by the Responsible University Official (the provision of Campus Event Alcohol at Events held on the Health Sciences Campus is addressed in Section F(2) of this policy). This restriction applies to any individual, group, entity, organization, club, department, college, school, or office of the University Community or any outside user of the Campus under a revocable or other permit.
4. In no instance will Campus Event Alcohol in any quantity be Served or Sold at an Event by any person other than an employee or agent of and operating under the supervision of the UAS contracted caterer, a third party caterer approved by UAS and the UAS contracted caterer or for the Health Sciences Campus a caterer approved by the Responsible University Official. At

no time will Campus Event Alcohol be self-served or Served by a member of the University Community other than by an assigned staff member or agent of the UAS-contracted caterer or other caterer approved by UAS and the UAS-contracted caterer or for the Health Sciences Campus a caterer approved by the Responsible University Official.

5. Possession or consumption of Campus Event Alcohol outside of the area specifically designated for the Campus Event is strictly prohibited and will be considered a violation of this policy and municipal open container laws.
6. To obtain approval to serve Campus Event Alcohol at any Event, including University Related Events, all Event Hosts must follow the procedures promulgated under this policy.
7. Employees attending any Event held on Campus or elsewhere where Alcoholic Beverages or Campus Event Alcohol is Sold or Served shall not report back to work Impaired.
8. Regardless of whether an Event charges admission, Campus Event Alcohol must only be Sold or Served on an individual basis directly to those persons twenty-one (21) years or older. This includes Events or performances where tickets are sold and Campus Event Alcohol is provided free of charge or in exchange for a purchased ticket.
9. The Responsible University Official may allow exceptions to the requirements of sections D(2) and D(3) of this policy in extremely limited and unique circumstances using the procedures promulgated under this policy.
10. The Responsible University Official shall be solely responsible for determining what type of Alcoholic Beverage is included in Campus Event Alcohol when an exception is granted.

E. Sale and Services of Alcoholic Beverages at University Related Events off Campus

1. The Selling or Serving of Alcoholic Beverages included as part of the event, at University Related Events held off Campus, regardless of funding source, is prohibited during the hours of 8:00 am – 5:00 pm Eastern Standard or Daylight time as applicable Monday through Friday.
2. The Responsible University Official will solely determine whether a proposed University Related Event held off Campus meets the requirements of this policy.
3. University Related Events must have a purpose other than the consumption of Alcoholic Beverages and Alcoholic Beverages may not be used for drinking games or as contest prizes.
4. Advertising for a University Related Event that includes the Sale or Service of Alcoholic Beverages must follow the University's policy on Use of University Marks and may not suggest or indicate the availability of Alcoholic Beverages, nor may it suggest an event purpose associated with consumption of Alcoholic Beverages.
5. The venue chosen for a University Related Event held off Campus at a commercial business must be a venue whose primary purpose and business is not the sale and service of Alcoholic Beverages.
6. For University Related Events held off Campus where Alcoholic Beverages are to be Sold or Served, the venue where the University Related Event is to be held, or catering business serving the Alcoholic Beverages, must assume all liability with regard to the Sale or Service of Alcoholic Beverages either under proper local and/or state licenses and permits and liability insurance or personal liability.

F. NYS Liquor License

1. A license from the NYS Liquor Authority is required for Sale and Service of Campus Event Alcohol at all Events held on Campus.
2. The UAS-contracted catering vendor holds the sole NYS Liquor Authority permit for the Sale and/or Service of Campus Event Alcohol on Campus except for the Health Sciences Campus. The provision of alcohol at Events held on the Health Sciences Campus is addressed in Section F(2) of this policy.

3. The license is specific to the premises of the UAS-contracted catering vendor in the Campus Center on the University Uptown Campus.
 4. By extension of that license, the UAS-contracted catering vendor may issue temporary permits for UAS-contracted catering vendor catered Events only at other sites on Campus, other than the Health Sciences Campus. The provision of Campus Event Alcohol at Events held on the Health Sciences Campus is addressed in Section F(2) of this policy.
 5. Event Hosts are required to obtain the approval of the Responsible University Official to serve Campus Event Alcohol at an Event on Campus as detailed in the procedures promulgated under this policy before contacting the UAS catering vendor or for the Health Sciences Campus an outside caterer.
 6. Event Hosts need to contact the UAS catering vendor as detailed in the procedures promulgated under this policy at least four (4) weeks in advance of an Event at which Campus Event Alcohol may be served or sold.
 7. In conjunction with the UAS-contracted catering vendor, Event Hosts where Campus Event Alcohol is Served or Sold assume full responsibility for the enforcement of all laws and university polices regarding the Sale and/or Service of Campus Event Alcohol. This includes:
 - a. the requirement to also serve sufficient non-alcoholic beverages and food at Events;
 - b. the requirement of proof of age for any individual choosing to consume Campus Event Alcohol which must be presented to the Event host or their designee at the event.
 - i. Acceptable forms of proof of age include a valid driver's license, a passport or Visa, a New York State non-driver ID, or a US military ID.
 - ii. Any identification cards from another university/college and a Sheriff's ID are not acceptable forms of proof of age or identification
 - iii. It is illegal and prohibited by the University for an individual to present any identification or proof of age that is false, fraudulent, or not actually his or her own, for any purpose including that of obtaining or attempting to obtain Alcoholic Beverages or Campus Event Alcohol.
 8. In the event the UAS-contracted catering vendor declines to cater an Event and instead approves a third party caterer, the third party caterer must provide UAS and the Responsible University Official with its approved NYS liquor authority authorization and premises insurance naming UAS and the University at Albany as insured.
- G. Other locations under control of University-related Organizations
1. Camp Dippikill consists of 850 acres in Warrensburg, New York owned and operated by the Student Association of the State University of New York at Albany, Inc. Use of Alcoholic Beverages at Camp Dippikill is subject to all federal, state and local laws and University policies with respect to the consumption of Alcoholic Beverages or Campus Event Alcohol. Administration of this policy is the responsibility of the Student Association of the State University of New York at Albany, Inc. and the Director of Camp Dippikill.
 2. The Health Science Campus is owned by the University at Albany Biosciences Development Corporation (UABDC). UABDC property, including that portion comprising the Health Science Campus, is insured by private carriers and requires any outside vendor who provides catering to issue UABDC a certificate of liability insurance in which UABDC is named as an additional insured party in addition to the University. All Events to be held at the Health Sciences Campus where Campus Event Alcohol is to be Served or Sold require prior written approval of the Responsible University Official, a copy of which is to be provided to the UABDC Properties Operations Manager. All Events also require the submission of a NYS Liquor Authority Permit to the Responsible University official, with a copy to the UABDC Health Sciences Campus Operations Manager five business days prior to the scheduled date of the

Event. All aspects of this policy and the procedures promulgated under this policy for Events, including the limit of types of Alcohol that may be Served or Sold as outlined in Section D(2) of this policy and the prohibition on serving Alcohol or Campus Event Alcohol Monday through Friday between the hours of 8 a.m. and 5 p.m. outlined in Section D(3) of this policy also apply to any Event held at the Health Sciences Campus.

H. Enforcement

1. Nothing contained in this policy will relieve any person or organization of civil or criminal liability, or the responsibility to comply with any law, regulation, or statute.
- I. This policy is effective immediately upon approval.

Procedures

A. Hosting an Event that includes Sale and/or Service of Campus Event Alcohol

1. First Step: The Event Host needs to obtain prior written permission from the Responsible University Official for Sale and/or Service of Campus Event Alcohol at an Event as detailed in section B of these procedures. For Events to be held at the University Health Sciences Campus, the prior written permission of the Responsible University Official is also required and evidence of such permission should be provided to the UABDC Properties Manager.
2. Second Step: The Event Host needs to secure the services of the UAS-contracted caterer, or outside caterer approved by UAS and the UAS-contracted caterer to Sell or Serve Campus Event Alcohol at the Event. This includes obtaining any required New York State Liquor License through the UAS-contracted caterer or approved external caterer as detailed in section D of these procedures. For Events to be held at the Health Sciences Campus, the Event Host must secure the services of either the UAS-contracted caterer or an external caterer to Sell or Serve the Campus Event Alcohol at the Event. Such entity shall provide the required New York State liquor license(s) and applicable insurance coverages naming the University and UABDC as additional insured to the Responsible University Official who will provide a copy to the UABDC as owner of the Health Sciences Campus.
3. The Event Host also needs to make all other regular arrangements required for hosting an Event at the Campus including reserving space, arranging facilities, parking or University Police Department support, etc.

B. Obtaining Permission from Responsible University Official for Sale and/or Service of Campus Event Alcohol at a Campus Event.

1. Complete and submit the Request for [Sale or Service of Campus Event Alcohol at Event Form](https://www.albany.edu/sites/default/files/2022-04/Sale%20and%20Service%20of%20Alcohol%20at%20University%20event%20form%20April%202022.pdf) (<https://www.albany.edu/sites/default/files/2022-04/Sale%20and%20Service%20of%20Alcohol%20at%20University%20event%20form%20April%202022.pdf>) the Responsible University Official for the policy at least six (6) weeks in advance of the planned event. Failure to meet this submittal deadline is grounds for immediate denial of the request.
2. If you are planning a series of Events that are to include Sale and/or Service of Campus Event Alcohol, please submit one form for all Events in the series, but indicate the separate dates and times for each Event in the series.
3. The Responsible University Official will review the request and consult with all applicable University offices.
4. The Responsible University Official will respond in writing to all requests for Sale and/or Service of Campus Event Alcohol at an Event within ten (10) business days of receipt of the Sale or Service of Campus Event Alcohol at Event Form. All decisions of the Responsible University Official are final.

- C. Obtaining a New York State License for Sale and Service of Campus Event Alcohol at a Campus Event
1. Contact the UAS-contracted caterer at least four (4) weeks in advance of the planned Event to host an Event with Sale and/or Service of Campus Event Alcohol at a Campus location on the Campus other than the Health Sciences Campus.
 2. For Events on the Health Sciences Campus contact either the UAS-contracted caterer or a properly licensed and insured external caterer at least four (4) weeks in advance of the Event.
 3. The caterer will apply for the New York State License for Sale and Service of Campus Event Alcohol on behalf of the Event Host and provide a copy of such license and appropriate certificates of additional insured parties to the Responsible University Official no later than one (1) week prior to the Event. If the liquor license and appropriate insurance forms are not provided to the Responsible University Official at least one (1) week prior to the Event, either the Event will be cancelled or proceed without the Sale or Serving of Campus Event Alcohol or Alcoholic Beverages of any kind.
 4. The caterer will advise the Event Host on the necessary mandatory food orders to accompany the application for the liquor license.
- D. Request an exemption from the restrictions on Sale and/or Service of Campus Event Alcohol at an Event
1. All requests for exemptions need to be made in writing to the Responsible University Official with the original University at Albany Sale or Service of Campus Event Alcohol at Event Form.
 2. The exemption request must explain the requested exemption and the extraordinary circumstances that warrant consideration of an exemption.
 3. The Responsible University Official will make a decision on the request for exemption at the same time as the decision on the request to Sell or Serve Campus Event Alcohol at the Event is made. The decision of the Responsible University Official on the exception is final with no appeal available.

Related Documents

- 21 USCS Section 812
- Omnibus Transportation Employee Testing Act OTETA 1991
- Drug-free Schools and Communities Act (as amended) 1989
- Drug-free Workplace Act 1988
- NYS PHL Section 3306
- NYS Alcoholic Beverages Control Law Section 65(1)
- NYS Penal Law Section 221
- NYS Civil Service Law Section 72
- NYS Vehicle and Traffic Law Section 19
- NYS Marihuana Regulation and Taxation Law

Regulations:

- Code of Federal Regulations, Part 1308 of Title 21, Food and Drugs

SUNY Policies:

- 3400 Drug-Free Schools and Communities Act/Drug-Free Work Place Act Compliance

University Policies, Procedures, Documents:

- [Criminal Penalties Associated with Illegal Use of Controlled Substances](https://www.albany.edu/sites/default/files/2020-01/Criminal%20penalties%20associated%20with%20illegal%20use%20of%20Controlled%20Substances.pdf)
(<https://www.albany.edu/sites/default/files/2020-01/Criminal%20penalties%20associated%20with%20illegal%20use%20of%20Controlled%20Substances.pdf>)
- Community Rights and Responsibilities

- [Health Risks of Commonly Abused Substances \(https://www.albany.edu/sites/default/files/2019-12/Health%20Risks%20of%20Commonly%20Abused%20Substances.pdf\)](https://www.albany.edu/sites/default/files/2019-12/Health%20Risks%20of%20Commonly%20Abused%20Substances.pdf)
- Residence Hall License
- Student Association Student Group Handbook
- University at Albany Tailgating Rules
- [The Use of Controlled Substances in Research \(https://www.albany.edu/ehs/pdf/DEA-FINAL.pdf\)](https://www.albany.edu/ehs/pdf/DEA-FINAL.pdf)

Other:

- NYS GOER Handbook for State Employees
- [Sale and Service of Alcohol at University Event Form \(https://www.albany.edu/sites/default/files/2022-04/Sale%20and%20Service%20of%20Alcohol%20at%20University%20event%20form%20April%202022.pdf\)](https://www.albany.edu/sites/default/files/2022-04/Sale%20and%20Service%20of%20Alcohol%20at%20University%20event%20form%20April%202022.pdf)

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Good Samaritan 911 Policy

The University at Albany's *Good Samaritan 911 Policy* supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. Therefore, a student or student organization seeking medical treatment for themselves, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in the University's "[Alcohol and Controlled Substances Policy](#)" and [Community Rights and Responsibilities](#) (Prohibited Conduct Drugs and Alcohol). This policy applies to emergencies both on and off campus.

Why do we have a Good Samaritan 911 Policy?

At the University at Albany, the health and safety of every student is of primary importance and all students are strongly encouraged to be empowered bystanders who respond in a potentially dangerous situation without fear of reprisal from the University. The University at Albany's *Good Samaritan 911 Policy* supports students who act responsibly by reaching out for assistance in the case of a medical emergency, as well as supports the student who is helped.

Therefore, a student or student organization seeking medical treatment for themselves, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in the University's "[Alcohol and Controlled Substances Policy](#)" and [Community Rights and Responsibilities](#) (Prohibited Conduct Drugs and Alcohol). This policy applies to emergencies both on and off campus.

A student is eligible to use the Good Samaritan 911 Policy on more than one occasion and students are always strongly encouraged to report a medical emergency. The positive impact of reporting a medical emergency will always hold the highest priority when determining the appropriate response for University policy violations. Repeated incidents are cause for a higher level of concern for the well-being of the student and amnesty in these cases will be individually reviewed.

Because parents are vital partners in the educational process and because the student can be best supported from home, the University typically contacts parents of students under 21 years of age in instances where there is evidence of risk to health, welfare or safety. In addition, the University may record names of those students involved to enable the University to follow up with the students as deemed necessary to ensure a student's well-being.

A student who receives medical assistance for alcohol use under the Good Samaritan 911 Policy will be referred by the Vice President for Student Affairs or their representative to a mandatory intervention program, such as the *Brief Alcohol Screening and Intervention for College Students* (BASICS) program at Counseling and Psychological Services. Additionally, a student who qualifies for the Good Samaritan 911 Policy by calling for medical assistance for another student may be referred to this program at the discretion of the Vice President for Student Affairs.

Frequently Asked Questions

Q. What if I am underage and drunk when I call for help for a friend?

Community Standards University at Albany

Campus Center 361
1400 Washington Avenue
Albany, NY 12222

PHONE (518) 442-5501
FAX (518) 437-4461

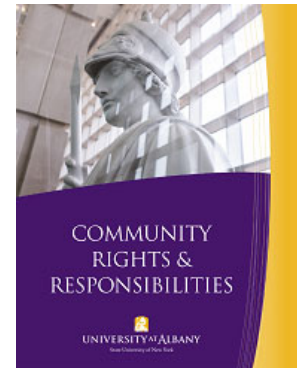
Email

HOURS

Monday - Friday
8:30 AM - 5:00 PM



PDF of Community Rights & Responsibilities:



A. In this situation, emergency personnel will be mainly concerned with the person who needs the most help. Make sure to stay with your friend until help arrives. Emergency personnel might want to ask you a few questions about how much the sick person had to drink or if they mixed the alcohol with any other drugs, for example. This information will be critical to helping your friend. In such a case, the University will not refer you or the person you called for an alcohol violation.

Q. Will my name be recorded if I call for help for my friend?

A. In most situations, if you are level-headed enough to call for help and you are not showing signs of alcohol or other drug overdose, emergency personnel will thank you for your assistance and simply help your friend.

Q. How will anyone know I was the Good Samaritan who called for help?

A. In most cases, a professional staff member from Residential Life or Community Standards will know that you called for help. If they do not know, you can simply inform them of your role in helping your friend or yourself.

Q. Does the Good Samaritan Policy apply if I call for help for myself?

A. Yes

Q. Does UAlbany contact my parents if I am transported to the hospital?

A. The University does not automatically contact your parents when you are transported to the hospital. However, your parents would eventually be notified by mail if you are under 21 and had a hospital transport for alcohol or drug use.

Q. What happens if I am transported to the hospital for the second time – does the Good Samaritan Policy apply?

A. While the main concern is the health and safety of every student, a pattern of behavior for hospital transports will require a staff member to review the situation and follow up using professional judgment for each individual situation.

Q. What should I do if a friend is showing signs of alcohol poisoning or overdose of another substance?

A. Remember to **Check**, **Call** and **Care**. Alcohol overdose can be scary, but getting help is not.

CHECK: Watch out for your friends throughout the night. Encourage healthy choices. If someone you know has consumed too much alcohol, check for signs of overdose.

Click [here](#) for a list of signs of possible alcohol poisoning or overdose.

Click [here](#) for a list of signs of cannabis overdose.

Click [here](#) for a list of signs related to opioid overdose.

CALL: If you discover any one of the above problems, call for medical help immediately. If you are on-campus call the [University Police Department](#) at 518 442 3131. If you are off-campus call 911. The above indicators of alcohol overdose are very serious and time is of the essence.

CARE: Continually talk to the person and monitor their skin color, temperature and breathing. Turn and keep the person on their left side as this will help to keep the person from choking should they vomit. Wait with your friend until help arrives; never leave a sick friend alone.

Q. What should I do if a friend is showing signs that they might be thinking of suicide?

A. Click [here](#) to learn about what you can do to help a friend who is showing signs that he or she might be thinking of suicide.

Q. What should I do if a friend has experienced Sexual Misconduct (i.e. rape, sexual assault, sexual harassment, stalking, dating violence, domestic violence, or sexual exploitation)?

A. Click [here](#) to learn about what you can do to help a friend who has experienced sexual misconduct. Website: <https://www.albany.edu/equity-compliance/title-ix-sexual-misconduct>.

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. The University at Albany recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University at Albany strongly encourages students to report incidents of sexual misconduct to University officials. A bystander or Reporting Individual, acting in good faith, who discloses any incident of sexual misconduct to University Officials or law enforcement, will not be subject to the University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time that the sexual misconduct occurred. This policy can be found in Community Rights and Responsibilities Section 5.1B.

Q. Is there training on campus to be a better bystander and help other students who may be in distress?

A. *STEP UP! UAlbany* is a bystander intervention program that educates students to be proactive in helping others when faced with problematic or risky situations that are of concern.

The *STEP UP UAlbany* training program focuses on real-life situations/scenarios students might encounter. The goal of the program is to generate open, honest and non-judgmental discussions about the material presented. This training is not meant to cover all possible scenarios or variables, nor is it meant to train you as a counselor.

Please contact the Center for Behavioral Health Promotion and Applied Research at 518-956-8477 if you would like to schedule a *STEP UP UAlbany* training session for your class or student group or visit their website at www.albany.edu/behavioralhealth/ for more information

For more information on the University at Albany Good Samaritan 911 Policy, please contact Community Standards at (518) 442-5501 or communitystandards@albany.edu.



Policy on Alcohol and Drug Use in the Workplace

It is a University policy that the unlawful use, possession, manufacture, dispensation or distribution of alcohol and controlled substances* in all campus work locations is prohibited. No employee will report for work or will work impaired by any substance, drug or alcohol, lawful or unlawful. "Impaired" means under the influence of a substance such that the employee's motor senses (i.e. sight, hearing, balance, reaction, or reflex) or judgment either are or may be reasonably presumed to be affected. Employees are further prohibited from consuming controlled substances or alcohol within six (6) hours before operating a Commercial Motor Vehicle (CMV) and within eight (8) hours following an accident involving a CMV.

Medical testing may be done if the University has a reasonable suspicion that an employee is unable to perform job duties due to the misuse of alcohol, controlled substances, or prescription drugs. The Omnibus Transportation Employee Testing Act of 1991 (OTETA) also requires the University to conduct pre-employment, pre-assignment (promotion), reasonable suspicion, post-accident, random, follow-up and return to duty alcohol and drug testing on all employees whose positions require the possession of a Commercial Drivers License (CDL).

Employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance will be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements. Sanctions may include termination of employment and referral for prosecution. Other corrective action may include satisfactory participation in an approved drug rehabilitation program.

Employees must notify the Office of Human Resources Management of any criminal drug statute conviction for a violation occurring in the workplace, or at the work site, no later than five (5) working days after such conviction. The University will notify appropriate federal agencies of such a conviction within 10 days of receiving notice of a conviction.

An Employee Assistance Program (EAP) is available on campus for employees who wish to seek assistance in dealing with drug and alcohol related problems. EAP is a confidential information, support, and referral service. Please call 442-5483 to reach the EAP coordinator. The University's Policy on Alcohol and Drug Use in the Workplace is in compliance with the Drug Free Workplace Act of 1988, the Drug Free Schools and Communities Act Amendments of 1989, the Omnibus Transportation Employee Testing Act of 1991 and the New York State Vehicle and Traffic Law. Adherence to this policy is a condition of employment at the University at Albany. Questions concerning this policy should be referred to the Office of Human Resources Management at 437-4700.

***The term "controlled substance" means a controlled substance in Schedule I through V of Section 202 of the Controlled Substance Act (21 USC812).**

Office of Human Resources Management
University at Albany
Albany, NY 12222 (518) 437-4700 (Voice) 437-4731 (Fax)
Office Hours: M-F, 8:30am to 5:00pm, Summers, 8:00am - 4:00pm



Tailgating Rules

University at Albany Athletics Tailgating Q & A

Is tailgating allowed on Game Day?

Tailgating is permitted in the SEFCU Arena parking lot and designated areas of the Dutch Quad parking lot. Tailgating space is limited to those patrons with an appropriate parking pass or permit. Access to the tailgating area may be limited to those patrons who have a valid game ticket for the contest being held that day

What time do the SEFCU Arena and Dutch Quad parking lots open for tailgating?

Tailgating parking lots will open four (4) hours prior to the start of the event or contest. Tailgating must discontinue 15 minutes prior to the start of the event or contest, there is no tailgating allowed while the event or contest is underway, and tailgating lots must be cleaned and fully vacated 90 minutes following the conclusion of the event or contest. University at Albany policy 7.1 prohibits camping on the University campus including overnight parking. In addition, no overnight parking will be permitted in tailgating areas the night before or the night following the event or contest.

May I bring my own alcohol to my tailgate?

Alcohol is permitted to be consumed in tailgating areas by individuals who are 21 or older, consistent with New York State law and the University's Policy on Alcohol. All state and local alcohol laws will be strictly enforced in tailgating areas and elsewhere; consistent with local laws, open containers are prohibited outside designated tailgating areas. For fans who choose to consume alcohol, the University encourages them to drink responsibly, to serve food and nonalcoholic beverages at their tailgates and to have designated drivers to accommodate guests and hosts alike or use public transportation, taxi or ride sharing services to and from the event or contest.

Are glass containers and kegs allowed?

Glass containers and kegs are prohibited. Bulk containers, including but not limited to kegs and beer balls, are prohibited. Drinking game tables or other paraphernalia, including but not limited to beer pong tables, beer bong, and funnels are prohibited.

May I grill while tailgating?

Propane grills with cylinders 20 lbs. or under are permitted. Charcoal grills are also permitted but must be disposed of responsibly by dousing the charcoals with water and emptying them into the labeled metal receptacles provided by the University within the tailgating area. Open flames are not permitted in any tailgate or parking area.

May I set up a tent at my tailgate?

Tents or canopies (which may not exceed 10' x 10') are permitted. They must be secured by weights or otherwise safely anchored and may not obstruct fire/safety lanes, sidewalks, drive lanes, pedestrian walkways or other parking spots. These structures must be an extension of your vehicle. Tailgating amenities including furniture, grills, generators or satellite dishes may not obstruct fire/safety lanes, sidewalks, drive lanes, pedestrian walkways or other parking spots. Driving or parking private vehicles on all green spaces and sidewalks is prohibited.

Loss or Damage of Property:

The University is not responsible or liable for loss or theft of materials, items or personal property brought into the tailgating locations. Any person damaging University property shall be responsible for the cost of repairs.

Rules of Tailgating:

1. Tailgating space is limited to those patrons who have purchased reserved parking or paid parking. Access to the tailgating area may be limited to those patrons who have a valid game ticket for the event or contest being held that day.
2. Tailgating parking lots will open four (4) hours prior to the start of the event or contest. Tailgating must discontinue 15 minutes prior to the start of the event or contest, tailgating is not allowed after this point, and tailgating lots must be cleaned and fully vacated 90 minutes following the conclusion of the event or contest.
3. University policy prohibits camping at any location on any University at Albany campus. No overnight parking or occupancy is allowed in tailgating areas either the night before and after the event or contest.
4. Driving or parking private vehicles on all green spaces or sidewalks is prohibited.
5. Large parties (over 20 people) or parties with participants who have no intent of attending the event or contest are strictly prohibited. Any group or organization that wishes to reserve tailgating for a large group must contact the UAlbany Ticket Office at (518) 442-DANE to reserve a spot. Failure to register your group will result in expulsion from the premises. UAlbany reserves the right to deny reservations for large group tailgates based on space available or other public safety considerations.
6. Amplified music outside of a personal vehicle, or the use of speakers, DJ's or other amplified music is prohibited.

7. Consistent with the University's Policy on Alcohol and New York State law, alcohol is permitted to be consumed in the tailgating area by individuals who are 21 or older. All alcohol laws will be strictly enforced; open containers are strictly prohibited outside the tailgating area.
8. Public intoxication, vandalism, obscene or harassing behavior and violence (or threats of violence) will not be tolerated and should be reported to the nearest law enforcement official or by calling University police at 518-442-3131. Offenders and accompanying individuals may be subject to arrest, removal from the Campus and/or other applicable disciplinary actions.
9. For fans who choose to consume alcohol, the University encourages them to drink responsibly, serve food and nonalcoholic beverages at their tailgates and have designated drivers to accommodate guests and hosts or use public transportation, taxis, or ride sharing options.
10. Drinking games that encourage binge drinking or a rapid consumption of alcohol – including but not limited to beer bong, beer pong, funnels and other drinking games – are prohibited.
11. Large containers of hard liquor and spirits and premade servings of hard alcohol – including but not limited to Jell-O or party shots – are prohibited.
12. Glass containers are prohibited. Bulk containers, including but not limited to kegs and beer balls, are prohibited.
13. The University reserves the right to refuse entry into the tailgating area and/or the event or contest area to any person who appears to be intoxicated. No refunds for any tailgating, parking, or event or contest attendance fees shall be given.
14. The unlawful possession, distribution or use of any drug or controlled substance is prohibited on campus, and such laws shall be enforced in tailgating areas.
15. Individuals are responsible for compliance with all federal, state, local and University laws, regulations and policies.
16. Tents or canopies (may not exceed 10' x 10') are permitted. They must be secured by weights or otherwise safely anchored and may not obstruct fire/safety lanes, sidewalks, drive lanes, pedestrian walkways or other parking spots. These structures must be an extension of your vehicle. Tailgating amenities including furniture, grills, generators or satellite dishes may not obstruct fire/safety lanes, sidewalks, drive lanes, pedestrian walkways or other parking spots.
17. Open flames are not permitted in any tailgate or parking area. Charcoal grills are permitted; however, the charcoal must be disposed of responsibly by dousing the charcoals with water and emptying them into the labeled metal receptacles provided by the University within the tailgating area. Propane grills with cylinders 20 lbs. or under are allowed.
18. Pets must be licensed, have a current rabies vaccine, and be on leash and under the control of their owner(s) at all times. Pets shall not run at large in tailgating sites or on Campus. Furthermore, animals shall not be left unattended on the Campus, tied/secured to Campus property or left in a motor vehicle. Owners shall clean up after pets and dispose of animal waste in tied bags in the trash receptacles located in tailgating locations or carried out.
19. All trash must be placed in trash receptacles located in tailgating locations or carried out. The disposal of grease or hazardous materials onto the grounds or into storm drains is strictly

prohibited. Charcoal must be disposed of responsibly by dousing the charcoals with water, and emptying them into the labeled metal receptacles provided by the University within the tailgating area.

20. The sale of any product, including food or beverages, is prohibited. Commercial activity or solicitations are not allowed on Campus.
21. All event or contest attendees are expected to be respectful of University property, the property of neighbors surrounding the University, and fellow participants around them. Offenders and accompanying individuals may be subject to arrest, removal from the Campus, reimbursement for the cost of damage and/or other applicable disciplinary actions.
22. The removal of any barricades, barrels or other traffic control devices is strictly prohibited.
23. All signs and instruction in tailgating areas and elsewhere at the University must be obeyed.
24. The University is not responsible or liable for loss or theft of personal property brought into the tailgating locations.

Other Applicable Policies:

Policy on Alcohol and Drug Use in the Workplace

Policy on Alcohol and Drug Use by Students on Campus

Policy on Alcohol and Drug Use on all University at Albany Properties

Forms:

Alcohol Use Registration Form

Complaints of Violations of this Policy:

Alleged violations of this Policy may be reported to:

University Police:

In case of emergency: [\(518\) 442-3131](tel:(518)442-3131)

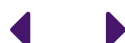
For non-emergencies: [\(518\) 442-3130](tel:(518)442-3130)

Alcohol Use Officer: (518) 956-8140

Athletic Director: (518) 442-2562

Community Standards (student discipline): (518) 442-5501

Office of Human Resources Management (employee discipline): (518) 442-4700



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COMMUNITY RIGHTS & RESPONSIBILITIES



UNIVERSITY AT ALBANY

State University of New York

SECTION 1: INTRODUCTION

Community Rights and Responsibilities is the official code of conduct outlining behavioral expectations for University at Albany students. The University has developed this code of standards and expectations, consistent with its purpose as an educational institution and requires that each student accept responsibility for their own behavior and consequences. These regulations and the procedures for their enforcement apply to all student conduct and behavior. Students, as defined in Section 2 of this document, are responsible to uphold the standards outlined in this document. As such, students shall be familiar with this document. These specific regulations should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards. Because disciplinary actions must be commensurate with the seriousness of the offense and the total conduct record of the student, each case is determined on its own merits.

A copy of this document can be viewed and printed at http://www.albany.edu/studentconduct/community_rights_and_responsibilities.php or you may request a hard copy from Community Standards in Campus Center 137. Questions about the contents of the code of conduct can be directed to Community Standards at (518) 442-5501 or at communitystandards@albany.edu.

1. Jurisdiction of the University's Code of Conduct

The student code of conduct shall apply to conduct that occurs on University premises, at University sponsored activities, electronically/online, and to off-campus conduct that adversely affects the University community, the pursuit of its objectives, neighboring communities, or where the alleged conduct may present a health or safety risk to the University community.

All students shall abide by the rules of the Board of Trustees of SUNY, and all local, state and federal laws. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcohol Beverage Control Law. Violations of these regulations may result in a referral to the Student Conduct System. In such cases, the University may commence the Student Conduct System procedure independent of criminal or civil court proceedings.

A student who withdraws from the University shall not be exempt from disciplinary proceedings for behavioral infractions which took place prior to withdrawal. Campus disciplinary procedures as described in this student code of conduct may proceed with the accused withdrawn student even if the student has withdrawn from the University. Additionally, the University may notate the student's academic transcript "withdrew with conduct charges pending".

2. Inherent Authority for the Student Disciplinary Program

Section 356 of the Education Law empowers the University Council of each State-operated campus of State University of New York to make regulations governing the conduct of students, subject to the general management, supervision, control and approval of the Board of Trustees of the State University of New York. All programs for student welfare and conduct are entrusted to and administered by the President of the University at Albany on behalf of the University Council.

The President has delegated administration of programs for student welfare and conduct to the Vice President for Student Affairs. Enforcement of standards of conduct, University regulations, recommendations for new policies, or modification of policies or regulations affecting student welfare and conduct are initiated through the Office of the Vice President for Student Affairs. The Vice President has jurisdiction over the Student Conduct System and has designated the Office of the Dean of Students and the Office of Community Standards to administer the Student Conduct System.

In addition to *Community Rights and Responsibilities*, the rules, regulations, and procedures for *The Maintenance of Public Order* on campuses of the State University of New York, adopted by the Board of Trustees, are in effect at the University at Albany. (See Rules for the Maintenance of Public Order:

http://www.suny.edu/sunypp/documents.cfm?doc_id=351.)

3. Records

A. Records Retention & Disposition

Pursuant to SUNY's Records Retention and Disposition policy 6609, all student disciplinary records will be retained for a period of seven (7) years from the end of the academic year in which the Student Conduct Referral was resolved. However, there is one exception, student conduct referrals resulting in either disciplinary dismissal/expulsion or a transcript notation of "withdrew with conduct charges pending" will be kept indefinitely.

B. FERPA & Records Release and Disclosure

As per the Records Retention Policy, if Community Standards has a student disciplinary record, they may release the record in accordance with the Family Education Rights and Privacy Act (FERPA).

Students can request records to be released by completing the Student Consent to Release Information Form: <https://www.albany.edu/studentconduct/release.php>

SECTION 2: DEFINITIONS

1. **“Accused”** shall mean a person accused of a violation who has not yet entered the University’s judicial or conduct process.
2. **“Advisor”** is any one person who may accompany a Referring Party, Reporting Individual, or Respondent to any meeting or hearing through the course of the University’s conduct process. The advisor serves in a supportive role and shall not under any circumstance represent or speak on behalf of their advisee.
3. **“Affirmative Consent”** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.
 - a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - c. Consent may be initially given but withdrawn at any time.
 - d. Consent cannot be given when a person is incapacitated, and a reasonable person knows or should have known that such person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - f. When consent is withdrawn or can no longer be given, sexual activity must stop.
4. **“Appeal Review Panel”** means the persons authorized by the Vice President for Student Affairs to consider an appeal.
5. **“Bystander”** shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the University.
6. **“Committee on Student Conduct”** means individuals authorized to hear Student Conduct referrals in cases of academic integrity.
7. **“Community Reengagement Program (CoRe)”** is a self-directed program designed for a student to demonstrate that, in the period following being placed on Disciplinary Probation, they have taken steps to become productive and engaged members of the University Community.
8. **“Community Standards”** is the office and staff, designated to by the Vice President to administer *Community Rights and Responsibilities*.
9. **“Complaint”** shall mean written allegations of student misconduct submitted to the University, which would include, but is not limited to a written description of incident(s), any relevant evidence, witnesses and the alleged prohibited conduct violations prior to becoming a Student Conduct Referral.
10. **“Course of Conduct”** is defined as a pattern of actions composed of two or more acts over a period of time.
11. **“Dean of Students”** means the person, or their designee, designated by the Vice President to oversee Community Standards and appeals.

12. **“Director of Community Standards”** means the person, or their designee, designated by the Vice President to lead Community Standards and administer *Community Rights and Responsibilities*.
13. **“Faculty Member”** means any person hired by the University to conduct classroom and/or research activities.
14. **“May”** is used in the permissive sense.
15. **“Member of the University Community”** includes any person who is a student, staff, faculty member, University official or any other person employed by or contracted with the University. A person’s status in a particular situation shall be determined by the Vice President for Student Affairs.
16. **“Organization”** means any number of persons who have complied with the formal requirements for University recognition/registration.
17. **“Policy”** is defined as the written regulations of the University as found in, but not limited to, *Community Rights and Responsibilities*, Residence Hall & Apartments License Agreement, the Graduate and Undergraduate Bulletins, and the University at Albany Library of Institutional Policies.
18. **“President”** refers to the President of the University at Albany.
19. **“Proceedings”** refers to the activities related to the University’s disciplinary complaint, including but not limited to, fact-finding investigations, formal or informal meetings, hearings, and appeals.
20. **“Reasonable Person”** refers to a hypothetical person who exercises average care, skill and judgment in conduct and who serves as a comparative standard.
21. **“Referring Party”** shall mean a faculty member, staff member, or student who files a Complaint or Student Conduct Referral for an alleged violation of the code of conduct. If a complaint is submitted by a person who is not a faculty member, staff member, or student, then a University Official will serve as the Referring Party.
22. **“Reporting Individual”** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status or any other term used by the University to reference an individual who brings forth a report of a violation or the individual against whom the alleged violation was committed.
23. **“Respondent”** (also referred to as **“Referred Party”**) shall mean a person accused of a violation who has entered the University’s judicial or conduct process.
24. **“Results”** means any initial, interim, and final decision by any University official or entity authorized to resolve disciplinary matters within the University.
25. **“Sexual Activity”** shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3): (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
26. **“Sexual Misconduct”** is sexual harassment or sexual violence and encompasses a wide range of behavior for sexual purposes that is against another’s will or at the expense of another. Sexual misconduct includes, but is not limited to sexual assault, intimate partner violence, stalking of a sexual nature, or any conduct of a sexual nature that is nonconsensual, or has the effect of threatening or intimidating another.
27. **“Shall”** is used in the imperative sense.
28. **“Student”** is defined as: persons registered for courses, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students; individuals who confirm their intent to enroll in programs; those attending orientation sessions; between academic terms; taking online classes; auditing

classes; residing in the residence halls; those that were enrolled on the date of an alleged incident; persons who are active but not enrolled at the University.

29. **“Student Conduct Administrator”** means any University official appointed by the Vice President to receive, process and resolve student conduct referrals or to review and respond to appeals.
30. **“Student Conduct Board”** refers to the authorized persons who hear student conduct referrals, except alleged violations of academic integrity.
31. **“Student Conduct Body”** is an umbrella term that refers to the Student Conduct Board and the Committee on Student Conduct.
32. **“Student Conduct Referral”** means the University Student Conduct System Standard Case Form that includes a description of alleged misconduct and specific *Community Rights and Responsibilities* code violations.
33. **“Student Conduct System”** means the program established to maintain the integrity of the values of the University community by reviewing alleged violations of *Community Rights and Responsibilities*.
34. **“Title IX Coordinator”** shall mean the Title IX Coordinator and/or their designee or designees.
35. **“University”** means the University at Albany, State University of New York.
36. **“University Official”** includes any person employed by the University, performing assigned administrative or professional responsibilities.
37. **“University Premises”** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks. It includes properties under the authority of Student Association of the University at Albany, University Foundation and the University Auxiliary Services, Inc.
38. **“Vice President”** means the Vice President for Student Affairs, or designee, who, as the President’s designee, is responsible for the administration of *Community Rights and Responsibilities*.

SECTION 3: PROHIBITED CONDUCT

The behaviors listed in this section violate the University's student code of conduct. This list is not exhaustive, but is intended to describe general types of behavior that may result in disciplinary action. These codes apply both to student behavior which occurs on campus or at University sponsored events as well as behavior that occurs off-campus. Prohibited behavior includes not only completed actions, but also attempted violations of the student code of conduct. Prohibited conduct also includes aiding, abetting or otherwise facilitating an individual to commit or attempt to commit a violation of the code of conduct.

1. Fire Safety

- A. Causing or creating a fire, regardless of intent (except as authorized for use in class, or in connection with University-sponsored research or other approved activities).
- B. Tampering with safety measures or devices, including but not limited to, alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, etc.
- C. Failing to conform to safety regulations, including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system, and inappropriate, negligent or reckless behavior which results in the activation of a fire alarm.

2. Weapons

In accordance with the University's "Weapons on Campus" policy, possession, and therefore use of any Weapon or any device capable of use as a weapon by release of explosive material, noxious material, electric discharge or projectile, is prohibited on Campus.

"Weapon" is any deadly weapon as defined in the NYS Penal Law Section 10.00(12), any weapon listed in NYS Penal Law Section 265, and as listed in the SUNY Board of Trustee Regulations 8 NYCRR Part 590 and SUNY document #5403. Note: in addition to University policy restrictions, possession of a weapon on school grounds, including the University at Albany campus, is a felony under NYS Penal Law Section 265.01-a.

The complete "Weapons on Campus" policy is available at <https://www.albany.edu/risk-management/policy/weapons-campus>.

Additionally, regarding off-campus behavior, the possession or use of a deadly weapon as defined in NYS Penal Law Section 10.00(12), or any weapon listed in NYS Penal Law Section 265, is prohibited.

3. 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: The behavior is a physical response to verbal provocation; the student has the ability to leave the situation, but instead chooses to respond physically; in circumstances where such actions are punitive or retaliatory. Additionally, it is prohibited to use a self-defense spray in circumstances that do not justify the use of such device.

4. Harassment

Engaging in behavior that is sufficiently severe, pervasive and 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:

- directing unwanted physical or verbal 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, military/veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation, domestic violence victim status, criminal or arrest record, political activities or predisposing genetic characteristics; or
- subjecting a person or group of persons to unwanted physical contact or threat of such.

5. 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.

- Dating Violence** - Any act of violence, including physical, sexual, psychological, and verbal violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Individual. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of the interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.
- Domestic Violence** - Any violent felony, non-violent felony, or misdemeanor crime, as those terms are defined by the laws of the State of New York and of the federal government 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.

6. Stalking

Stalking is engaging in a course of conduct (*including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property*) directed at a specific person(s) that would cause a reasonable person(s) to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress (defined as *significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling*).

Stalking does not require direct contact between parties and can be accomplished in many ways, including through third parties or through the use of electronic devices and social media.

7. Endangerment

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

8. Sexual Harassment

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when the conditions outlined in (1) or (2), below, are present.

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or

(2) Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual ability to participate in or benefit from, the University's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

9. Sexual Assault and Sexual Exploitation

- A. **Sexual Assault I** - Intentionally engaging in any form of vaginal, anal, or oral penetration, however slight, with any object (an object includes but is not limited to parts of a person's body) without the person's affirmative consent.
- B. **Sexual Assault II** - Intentionally engaging in touching a person's intimate parts (defined as mouth, genitals, groin, anus, inner thigh, breast, or buttocks), whether directly or through clothing, without the person's affirmative consent. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.
- C. **Sexual Exploitation** - Intentionally engaging in or attempting to engage in abusive sexual behavior without affirmative consent that does not otherwise constitute Sexual Assault I or Sexual Assault II. Examples include, but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and 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 recording of sexual activity; sharing and/or 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; inducing incapacitation with the intent to sexually assault another person; creating, possessing or distributing the sexual performance of a child¹; and aiding, abetting, or otherwise facilitating sexual activity between persons without the affirmative consent of one or more party.

10. Hazing

Hazing is any reckless or intentional conduct in connection with the initiation into, or affiliation with, any organization or group which degrades, humiliates or endangers the mental or physical health of any person, regardless of the person's willingness to participate. (See the University's supplemental policy on Hazing for further information: <http://www.albany.edu/studentconduct/Hazing.php>.)

11. Academic Integrity Violations

Conduct including, but not limited to, plagiarism, cheating, multiple submission, forgery, sabotage, unauthorized collaboration, falsification, bribery or use of purchased research service reports without appropriate notation; and theft, damage or misuse of library or computer resources. Attempts to commit such acts shall also constitute a violation of the Academic Integrity Violations code.

(Students should be warned that if found in-violation of academic dishonesty they may be subject to two types of sanctions. If the instructor is convinced that the student has been dishonest, they may administer an academic penalty. The student who disagrees with the judgment or penalty may appeal through established academic appeal procedures. Consult the appropriate department chair, school dean, or academic bulletins for details. At the same time the student may be subject to the proceedings and penalties of the Student Conduct System outlined in *Community Rights and Responsibilities*.)

This code is further defined in the University's "Standards of Academic Integrity" policy, which is available at https://www.albany.edu/studentconduct/standards_of_academic_integrity.php.

12. Forgery, Fraud, Dishonesty

Altering or misusing documents, records, stored data or instrument of identification, or furnishing false information to any University, local, state or federal official. This includes possessing, creating or using a fake or forged instrument of identification, or monetary notes.

13. Property Damage

- A. Removing, destroying or damaging University property, or property under University administration or supervision.

¹ As defined in NYS Penal Code 263.00.

- B. Destroying or damaging the property of others, on or off-campus.

14. Theft

Stealing property and/or services; possessing stolen property. This includes identity theft (i.e. unauthorized possession or use of a financial instrument, UAlbany ID Card, etc.).

15. Unauthorized Entry, Presence or Use

Entering, being present in/on or using facilities or property on or off-campus, belonging to individuals, University-recognized groups and/or corporate entities without proper authorization.

16. Drugs

Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, distributing, or intent to distribute, a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. marijuana, except as expressly permitted by law. Drug paraphernalia including, but not limited to: bongs, water pipes, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus. Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs must have an authentic medical prescription. Driving under the influence of drugs is prohibited. This applies to both on-campus and off-campus behavior.

Additionally, the University's "Alcohol and Drugs on Campus" policy applies.

17. Alcohol

Consistent with New York State Law, individuals under the age of 21 years are prohibited from using, possessing, or distributing alcoholic beverages. Individuals over the age of 21 may use and possess alcohol as permitted by the law and University 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 student's age. Driving under the influence of alcohol is prohibited. This applies to both on-campus and off-campus behavior.

Additionally, the University's "Alcohol and Drugs on Campus" policy applies.

18. Obstruction or Disruption

Obstructing or disrupting University activities, including but not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which disrupt the normal operations of the University and infringes on the rights of other members of the University community by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

19. Student Group Violations

Students are expected to know and abide by the regulations governing their membership in a student organization (e.g. fraternities and sororities). Prohibited conduct by officers/members of student groups and organizations may result in a referral to the Student Conduct System for individual students.

It is a violation of University policy for students to affiliate with organizations that have had their University recognition suspended or permanently revoked by the University. The definition of affiliation includes joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of such organization.

Full policies are available at <http://www.albany.edu/involvement/leadyourgroup.shtml> and can be discussed in person at the Office of Student Involvement CC West B91, (518) 442-5566 or email involvement@albany.edu.

20. Non-Compliance

- A. Failure to comply with University Policy and/or any local, state, federal law, rule or regulation.

- B. Failure to comply with the directions of an authorized local, state, federal or University official acting in the performance of their duties, or any other person responsible for a facility or registered function acting in accordance with those responsibilities. This includes, but is not limited to: not appearing at meetings when directed to do so; not providing identification; not abiding by any temporary and/or administrative directive; and not leaving areas/events when directed to do so.
- C. Failure to notify Community Standards of a felony or misdemeanor crime. It is the obligation of every student to notify Community Standards (by email at communitystandards@albany.edu) five (5) calendar days from the date of arrest of any felony or misdemeanor arrests at any time after a student pays their admission deposit through graduation or separation from the University, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the University or administrative/registration holds placed on the student's account. The University may review the facts underlying the arrest to determine if there is an associated University policy violation.

21. Parking and Mass Transit Services Policy Violations

Parking & Mass Transit Services (PMTS) oversees the policies and regulations that govern the possession and use of motor vehicles on campus and use of mass transit services. The full policy can be found at: www.albany.edu/pmts. Violating PMTS policies and regulations is prohibited, which include but are not limited to:

- Purchasing a parking decal for a car that is registered in Department of Motor Vehicles to a resident freshman, a parent of a resident freshman or anyone else who lives at the same address as the resident freshman;
- Purchasing a decal for the vehicle of another student or the vehicle of a family member of another student unless they have the same permanent address;
- Creating, altering or transferring any parking decal, temporary parking hang tag or any other documents relating to obtaining parking privileges in any manner; and
- Using verbal or physical abuse, or threats of violence against any Parking and Mass Transit staff member.

PMTS has the ability to fine or withdraw the right to use a vehicle on campus in addition to, or in lieu of, sanctions imposed through the campus Student Conduct System.

22. Smoking and Tobacco

The University prohibits Smoking and the use of Tobacco Products on University Property.

This code is further defined in the University's "Tobacco-and Smoke-free Campus" policy, which is available at <https://www.albany.edu/risk-management/policy/tobacco-and-smoke-free-campus>.

23. Residence Halls and Apartments License Violations

Failure to abide by the Residence Hall and Apartment Licenses. Complete text of the Residence Hall and Apartment Licenses are available at <http://www.albany.edu/housing/license.shtml>.

24. Disruptive Conduct

Impairing, interfering with or obstructing the orderly conduct, processes and functions of the University or the community where the conduct occurs. This behavior includes, but is not limited to, excessive noise, abusive or obscene language in a public place, littering, obstructing vehicular or pedestrian traffic, and boisterous, indecent or threatening conduct which is unreasonable in the area, time or manner in which it occurs.

25. Information Technology Services Policy Violations

Information Technology Services Policies are available at http://www.albany.edu/its/its_policies.htm, which includes, but is not limited to, the University's Responsible Use of Information Technology Policy.

26. Hate or Bias-Related Crime

Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age,

disability, or sexual orientation, regardless of whether the belief or perception is correct. (See the University's supplemental policy on Hate or Bias-Related Crime for further information: http://www.albany.edu/studentconduct/hate_or_bias_related_crime.php.)

27. Gambling

Gambling, including, but not limited to, contests of chance, illegal lottery, playing or gaming for money or something of value; promoting or advancing gambling; gambling using University computing/network facilities; possessing gambling devices or gambling records is prohibited.

28. Abuse of the Student Conduct System

Abusing the Student Conduct System, including but not limited to:

- A. Failure to obey the summons of a Student Conduct Body, Student Conduct Administrator or University official.
- B. Falsification, distortion, or misrepresentation of information before a Student Conduct Body, Student Conduct Administrator or University official.
- C. Disruption or interference with the orderly conduct of a student conduct proceeding.
- D. Knowingly instituting a student conduct referral without cause.
- E. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct System.
- F. Attempting to influence the impartiality of a member of a Student Conduct Body or any other party/individual that may choose to participate in a student conduct proceeding.
- G. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Body or any other party/individual that may choose to participate in a student conduct proceeding.
- H. Failure to comply with the sanction(s) imposed under the student code of conduct.
- I. Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

29. Retaliation

Retaliation is adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any investigation or proceeding under these procedures. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report, made in good faith, was not substantiated. Retaliation may be committed by the Accused, the Respondent, the Reporting Individual, or any other individual(s).

SECTION 4: STUDENT CONDUCT PROCEDURES

1. Introduction

The Student Conduct System addresses charges that are brought against a student that allegedly violates the student code of conduct, *Community Rights and Responsibilities*. **The Student Conduct System utilizes a “preponderance of evidence” standard of proof. A preponderance of evidence standard evaluates whether it is more likely than not that a violation occurred.**

University at Albany email is the official means of communication between Student Conduct Administrators and students on all matters pertaining to the Student Conduct System.

2. Referrals

- A. When an incident occurs and there are allegations that a student violated the code of conduct, individuals who wish to initiate a Student Conduct Referral must file a complaint with a Student Conduct Administrator. A complaint may be filed by any University faculty, staff and/or student.²
- B. A complaint should be submitted as soon as possible after the incident takes place, preferably within the academic year in which the alleged incident took place. While timeliness is preferable, there is no deadline by which a complaint must be filed as long as the accused is a student at the University at Albany.
- C. The complaint must set forth allegations of misconduct in writing with sufficient detail to support a referral, which includes, but is not limited to a description of incident, any relevant evidence, witnesses and the alleged Prohibited Conduct violations. The individual filing the complaint may elect to meet with a Student Conduct Administrator for a consultation prior to submitting a complaint. Once the complaint is received, the Student Conduct Administrator will review the complaint, may meet with other individuals involved, and will then make a determination regarding whether or not the complaint has merit to move forward to a Student Conduct Referral.
- D. If a Student Conduct Referral is generated, the Accused student becomes a Respondent and will be notified that a Student Conduct Referral has been filed against them via University at Albany email. Additionally, the Respondent will have the opportunity to meet with a Student Conduct Administrator to:
 - I. Review the Student Conduct Referral which includes the alleged code violations (charges);
 - II. Learn about the student conduct process and have questions answered;
 - III. Give their perspective about the incident and provide relevant evidence;
 - IV. Provide witness information, if applicable;
 - V. Sign the Student Conduct Referral indicating the referral and possible sanction outcomes have been reviewed; and
 - VI. Receive a copy of the Student Conduct Referral.

During this meeting and throughout the student conduct process, the student may have **one** advisor of their choice. The advisor shall not represent or speak for the student and shall not participate directly in the student conduct process. The advisor may be present and speak privately with the student during any meeting.

If the Respondent chooses not to meet with the Student Conduct Administrator, the Student Conduct Referral and resolution options will be emailed to the Respondent via their University at Albany email or email on record with the University.

- E. After the Respondent has received a copy of the Student Conduct Referral, the Respondent has the option to take up to three calendar days (72 hours) to review their Student Conduct Referral and decide whether or not

² Complaints of Sexual Misconduct will be reported to the Office of Equity and Compliance / Title IX Coordinator. The University's Sexual Violence Response Policy details the intake process for Sexual Misconduct allegations.

to accept responsibility for the charges. After three calendar days (72 hours) the Respondent must communicate their decision to the Student Conduct Administrator, in writing via email. The Student Conduct Administrator will determine the manner in which the case will be resolved and will communicate this to the Respondent.

- F. Multiple incidents may be resolved with one Student Conduct Referral at the discretion of the Student Conduct Administrator.
- G. Polygraph (lie detector) tests reports/results and Sexual Assault Nurse Examiner (forensic exam) reports/results are not admissible in the student conduct process.
- H. Students with disabilities who are involved in the student conduct process may seek reasonable accommodations for any stage of the student conduct process. Any student requesting accommodations will be referred to the Disability Resource Center to request and obtain an accommodation letter. The student must then submit the accommodation letter and their written accommodation request to the Student Conduct Administrator at least 72 hours before the stage of the conduct process that the request is for. The Student Conduct Administrator, in consultation with the Disability Resource Center, will make a determination, based on appropriate legal standards and University policy, regarding what accommodation, if any, is appropriate.

3. Resolutions

Resolutions are the manner in which Student Conduct Referrals are resolved. A description of each type of resolution follows:

A. Administrative Resolution

I. Administrative Agreement

This type of agreement is applicable for referrals where the Respondent accepts a finding of responsibility for violating the code of conduct and resolves the referral with a Student Conduct Administrator by agreeing to an appropriate disciplinary sanction. An appeal may not be filed.

In referrals of sexual misconduct, if the Reporting Individual does not agree with the Administrative Agreement or declines to participate in the process, the Reporting Individual retains the right to appeal as outlined in Section 7.

II. Imposed Determination

If the Respondent does not wish to accept responsibility and/or an appropriate sanction from the Student Conduct Administrator, but the preponderance of evidence standard has been met, a finding of responsibility and a sanction(s) will be imposed. Imposed Determinations may also be imposed if the student fails to meet or communicate with the Student Conduct Administrator. The Respondent maintains the right to file one appeal of the original decision as outlined in Section 7.

Imposed Determinations may only be applied in referrals where sanctions will not result in removal from residence, suspension or dismissal; in these instances, a hearing before a Student Conduct Body will be scheduled. Sexual Misconduct referrals will not be resolved by Imposed Determination.

B. Student Conduct Hearing before a Student Conduct Body

When a referral cannot be resolved by Administrative Resolution or at the discretion of the Student Conduct Administrator, a hearing will be scheduled. The Student Conduct Administrator may later serve as the Referring Party at a Student Conduct Hearing.

Hearings are scheduled around the Respondent's and the Reporting Individual's academic schedules and the Referring Party's schedule only. If a hearing needs to be scheduled during a student's class, Community Standards will issue a letter to the student, which can be utilized to notify instructor(s) of an excused absence.

A hearing may only be postponed due to extenuating circumstances that prohibit the Respondent, Reporting Individual or Referring Party from participating (i.e. hospitalization, death of an immediate family member,

etc.) or at the discretion of Community Standards. In such cases, the Respondent, Reporting Individual or Referring Party may request one postponement with supporting documentation. Requests will be reviewed by Community Standards and a decision will be communicated to parties as appropriate.

Hearings are conducted as follows:

- I. Both the Respondent and Referring Party (and the Reporting Individual in referrals of Sexual Misconduct):
 - a. Receive written notice of a hearing date, time and place at least 5 calendar days (120 hours) in advance;
 - b. Must represent themselves;
 - c. May have **one** advisor present. The advisor shall not address the Student Conduct Body or participate directly in the process, but may speak privately with the advisee during the proceedings;
 - d. Hear a review of the Student Conduct Referral, including the prohibited conduct charge(s) and evidence (the Respondent will then make a plea to the prohibited conduct charges of In-Violation/Responsible or Not-In-Violation/Not Responsible);
 - e. Have the opportunity to make an opening statement;
 - f. Have the opportunity to present witnesses, who have direct knowledge of the incident, to provide a statement (for sexual misconduct referrals see Section 5.2.D.VIII);
 - g. Have the opportunity to ask questions of each other and their witnesses (for sexual misconduct referrals the Respondent and Reporting Individual will not question each other directly, See Section 5.2.D.XI);
 - h. May be questioned by the Student Conduct Body;
 - i. Have the opportunity to make a closing statement, and for sexual misconduct referrals, have the ability to submit an impact statement.
- II. The Student Conduct System encourages student involvement in the conduct proceedings and relies on full and open discussion of referrals with all parties concerned in order to render a fair judgment. The Student Conduct System is administrative in nature and, as such, is not considered a court of law where formal rules of process, procedure or technical rules of evidence apply.
- III. Referrals involving multiple students may be resolved at one hearing.
- IV. Hearings are regarded as confidential and closed to all but the principals of the referrals, their witnesses, their advisor, the Student Conduct Body, and Community Standards. Student Conduct Body Members in-training may observe.
- V. An official audio recording will be made of the proceedings. This recording is the property of the University and will not be duplicated or released. Participants are prohibited from making their own recording during the hearing (including but not limited to audio, video, photographic and/or written recording). The Respondent and Referring Party may submit a written request to Community Standards for permission to listen to the official audio recording in a supervised location on campus. An official redacted written transcript can be provided by the University at the requesting party's expense.
- VI. Evidence to be presented by the Referring Party(ies), Reporting Individual(s), and Respondent(s) during any hearing must be submitted to Community Standards at least 48 hours in advance of the scheduled hearing. This evidence will be shared with the opposing party. In extraordinary circumstances, Community standards or the Student Conduct Body may accept the submission of evidence within the 48 hour time period before the hearing. Community Standards or the Student Conduct Body will make the final decision related to the relevancy and admissibility of all evidence (for sexual misconduct referrals see Section 5.2.D.VIII).
- VII. Witnesses to be presented by the Referring Party(ies), Reporting Individual(s), Respondent(s) during any hearing must be submitted to Community Standards at least 48 hours in advance of the scheduled hearing. Witness names will be shared with the opposing party. In extraordinary circumstances, Community Standards or the Student Conduct Body may accept the submission of witnesses within the 48 hour time period before the hearing. Community Standards or the Student Conduct Body will make the final decision related to the relevancy and admissibility of all witnesses (for sexual misconduct

referrals see Section 5.2.D.VIII).

- VIII. Should the Referring Party(ies), Reporting Individual(s), Respondent(s) fail to appear for a scheduled hearing, a finding will be made based upon the information available and sanction(s) imposed, if appropriate.
- IX. The primary function of any Student Conduct Body is to determine, using a preponderance standard, whether the Respondent has violated the provisions of *Community Rights & Responsibilities* and if so, recommend an appropriate sanction. During the hearing, the Student Conduct Body will make the final decision regarding the relevancy and admissibility of testimony. The Student Conduct Body makes its determinations by consensus.
- X. The Respondent will be notified, in writing, of the final decision of the Student Conduct Body and of the right to appeal. Consistent with the provisions of the Family Rights and privacy Act (FERPA) regulations, and in cases involving sexual misconduct offenses or crimes of violence, both the Respondent and the Referring Party and/or Reporting Individual will be notified of the final decision of the Student Conduct Body.
- XI. The Respondent's status at the University is not altered until the appeal decision is final. In certain cases, however, the Vice President may determine that the Respondent's presence is a threat to the University community and uphold the sanction imposed by the Student Conduct Body until the appeal is final.

C. Alternative Dispute Resolution

I. Behavioral Meeting and Conduct Notice

A informal meeting with a student for minor behavioral infractions and/or prohibited conduct violations that are not formally referred through the conduct process. The meeting is followed by a written notice to the student indicating that the student's behavior is counter to the expectations outlined in the student code of conduct and may result in the issuance of a Cease and Desist Directive to the student, parental notification, or a requirement that the student participate in Educational Programs & Services.

II. Mediation

Mediation is a voluntary process that requires the commitment of all parties. It is appropriate when a violation arises out of a dispute between students. It is generally reserved for first time and less serious violations. The goal is to reach a written agreement to resolve the dispute and to prevent it from reoccurring. The Student Conduct Administrator will retain a record of the mediation efforts and the mediation agreement. If the parties fail to live up to the agreed settlement, or if mediation attempts fail to reach an agreement, a referral may be processed.

III. University Community Accountability Board (UCAB)

UCAB is a restorative justice practice, which presents an alternative to the traditional disciplinary process by engaging the responsible party, as well as the parties harmed by their behavior, in a dialogue that seeks to repair harm. The goal is to design a process which reintegrates the responsible party into the community. The student also plays a key role in deciding what they must do to repair the harm they may have caused by the behavior. The responsible party must acknowledge that their behavior violated the Student Code of Conduct and harmed another in order to participate in the UCAB process. This procedure is generally reserved for first-time and less serious violations. UCAB facilitators are selected from a pool of faculty, staff and students.

SECTION 5: CASES OF SEXUAL MISCONDUCT

1. Introduction

This section outlines the policy and procedures that will be followed for all cases of sexual misconduct, including domestic violence, dating violence, stalking, sexual exploitation, sexual assault, or sexual harassment, in addition to procedures described in other sections of *Community Rights and Responsibilities*. In the event that there is a conflict between any procedures set forth in *Community Rights and Responsibilities*, the procedures set forth in this section will control for cases of sexual misconduct.

Compliance with any of the below listed provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

The burden of proof in all sexual misconduct cases is a “preponderance of the evidence”, meaning that the determination is whether it is more likely than not that the sexual misconduct occurred. If the evidence meets this standard, than the Respondent MUST be found responsible of a violation of this code.

A. Students’ Bill of Rights

The University at Albany is committed to providing options, support, and assistance to members of our community that are affected by sexual assault, sexual exploitation, sexual harassment, intimate partner violence and stalking, regardless of whether the crime occurred on campus, off campus, or while studying abroad. The rights enumerated in the Student’s Bill of Rights (available here: <https://www.albany.edu/titleIX/title-ix-bill-of-rights.php>) are afforded to all students reporting sexual violence, as well as all students accused of sexual violence, 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.

B. Policy for Alcohol and/or Drug Use Amnesty in Sexual Misconduct Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. The University at Albany recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University at Albany strongly encourages students to report incidents of sexual misconduct to University officials. A bystander or Reporting Individual, acting in good faith, who discloses any incident of sexual misconduct to University Officials or law enforcement, will not be subject to the University’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time that the sexual misconduct occurred.

2. Student Conduct Process in Cases Involving Sexual Misconduct for Student Respondents and Student Reporting Individuals

- A. Reporting Individuals have the right to request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the *Community Rights & Responsibilities* as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- B. The University shall have a prompt response and timely reviews of all complaints of Sexual Misconduct. Promptness is determined by the University in view of the circumstances of the case, personnel availability, complexity of the request, and evidence/information submitted. The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within seven (7) days of receipt of the complaint. Absent extenuating circumstances,

review, investigation, resolution, via a hearing or administrative determination, and appeal determination is expected to take place within 180 calendar days from receipt of the complaint. The above timeframes may be extended for good cause as determined by the Title IX Coordinator or the Director of Community Standards, or a designee of those individuals. Extensions requested by the Respondent or Reporting Individual will not be longer than five (5) business/school days.

- C. The Title IX Coordinator or their designee must refer any complaint that was investigated to the Office of Community Standards so Community Standards can determine whether the Reporting Individual's account, if accepted as true, alleged any violation of University at Albany policy, and, specifically, whether there is reason to believe that the Accused/Respondent engaged in conduct constituting sex discrimination or sexual misconduct in any form. The Title IX Coordinator or their designee shall be the Referring Party for all referrals of sexual misconduct.
- D. Throughout conduct proceedings, the Respondent and the Reporting Individual will have the right to:
 - I. Be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Advisors may not address the Student Conduct Body during a disciplinary hearing but may speak privately with the advisee during the proceedings.
 - II. Have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the Respondent, including the right to a presumption that the Respondent is, "not responsible" until a finding of responsibility is made and other issues related to sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.
 - IV. An investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - V. Receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - VI. Have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - VII. Offer evidence during an investigation and to review available relevant evidence in the case file.
 - VIII. Present evidence, witnesses and testimony at a hearing, where appropriate.

In cases of sexual misconduct, a thorough and fair investigation is conducted by the Office of Equity and Compliance. That process, set forth in the Sexual Violence Response Policy, Section IX, allows each party the opportunity to provide verbal and written statements, identify witnesses who may be interviewed, and to respond to any information included in the investigative report, which will ultimately be provided to the Office of Community Standards, and, if applicable, a Student Conduct Body.

All information available during the course of the investigation must be submitted to the Office of Equity and Compliance during the investigative process. The Office of Equity and Compliance will determine the relevancy and admissibility of all information and witnesses presented and make the final determination as to whether the information presented should be included in the investigative report.

Students will not be permitted to submit evidence or identify additional witnesses to the Office of Community Standards or Student Conduct Body if available during the course of the investigation. However, relevant new evidence or witnesses, unavailable³ during the course of the investigation, may be submitted to the Office of Community Standards 48 hours prior to the hearing, as per Section

³ Evidence or witnesses that a student is choosing not to disclose or present due to participation in, or anticipated participation in, a criminal or civil proceeding is not considered unavailable.

4(3)(B)(6-7) to be reviewed for relevancy and admissibility. Community Standards or the Student Conduct Body will make the final determination regarding relevancy and admissibility of all information and witnesses presented after the submission of the investigative report.

- IX. A range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- X. Exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, sexual exploitation or sexual assault may be admissible in the disciplinary stage that determines sanction.
- XI. Ask questions of the decision maker and via the decision maker indirectly request responses from other parties. In other words, the Respondent and Reporting Individual cannot directly question each other and will be expected to ask questions in writing through the Student Conduct Body.
- XII. Make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- XIII. Simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- XIV. Written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- XV. Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest (see Section 7.4)
- XVI. Have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for a period of seven (7) years from the end of the academic year in which the student conduct referral was resolved. A records request can be made to Community Standards: communitystandards@albany.edu, (518) 442-5501, Campus Center 137.
- XVII. Choose whether to disclose or discuss the outcome of a conduct hearing.
- XVIII. Have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

3. Temporary Directives & Actions

- A. When the Accused or Respondent is a student, the University will issue a “No Contact Order” meaning that continuing to contact the protected individual, either directly or through a third party, is a violation of University policy subject to additional conduct charges; if the Accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the Accused or Respondent to leave the area immediately and without directly contacting the protected person.
- B. When the Accused or Respondent is a student and presents a continuing threat to the health and safety of the community, the Accused or Respondent may be subject to a Temporary Suspension pending the outcome of the student conduct process (see Section 6.2A regarding “Temporary Suspension”).
- C. Both the Accused/Respondent and the Reporting Individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any Temporary Directives (See Section 6.2). The Accused/Respondent or Reporting Individual shall be allowed to submit evidence in support of their request.
 - I. The request for review must be submitted in writing to the Director of Community Standards (by email: communitystandards@albany.edu or, if permissible, in person: Campus Center 137) within 2 calendar days of the imposition of Temporary and/or Administrative Directives.

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

SECTION 6: SANCTIONS AND TEMPORARY DIRECTIVES

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

1. Sanctions

A sanction is a requirement or status that is issued as a result of either accepting responsibility or being found responsible for violating the student code of conduct, *Community Rights and Responsibilities*.

Disciplinary sanctions shall be communicated to students in writing via University email, which is the official means of communication between Student Conduct Administrators and students.

Sanctions are determined by the seriousness of the code violation and are not necessarily progressive. For example, a student with no prior disciplinary record may be issued a sanction commensurate with the offense up to and including removal from residence, suspension or dismissal.

A. Disciplinary Warning

This is a lower level sanction issued as a result of a formal Student Conduct Referral. A student is placed on Disciplinary Warning for a period of three months excluding winter and summer intersessions. This serves as a notice to a student that the behavior is counter to the expectations in the student code of conduct. Having an active Disciplinary Warning can impact your ability to hold positions with campus offices and/or organizations and other campus opportunities.

B. Disciplinary Probation

This is a mid-level sanction 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 Disciplinary Probation through graduation. However, a student who is on Disciplinary Probation is encouraged to modify the unacceptable behavior and is given the tools to help them do so. After a period of at least three months on Disciplinary Probation, the student may apply to the Community Reengagement (CoRe) Program to have the probation lifted. Students who do not apply for removal from probation will remain on Disciplinary Probation for the entire time they are a student at the University. Having active Disciplinary Probation status may impact your ability to hold positions with campus offices and/or organizations and other campus opportunities, such as studying abroad. Specifically, a student cannot: run for or hold certain campus-wide leadership positions including elected or appointed student government offices; hold a position in Residential Life; or serve on the Student Conduct Board.

C. Terminal Disciplinary Probation

This is a severe sanction issued as a result of a formal Student Conduct Referral that lasts one calendar year and includes all the restrictions of Disciplinary Probation. The student will be required to work with an appointed mentor to help address the factors that resulted in this sanction being issued and to discuss returning to and maintaining a good disciplinary standing with the University. After one year, Terminal Disciplinary Probation converts to Disciplinary Probation, which is in place through a student's graduation. Students who violate the student code of conduct while on Terminal Disciplinary Probation may be removed from residence, suspended or dismissed.

D. Removal from Residence

Students who have a serious violation, or series of violations, of the student code of conduct or the Residence Hall and Apartments License, 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 a form of disciplinary probation as part of this sanction.

E. Suspension - Disciplinary

Suspension is a severe sanction where the student is separated from the University for a period of time. A suspended student forfeits tuition and fees and does not receive academic credit for the semester in which the suspension occurred. If a resident student, the student also forfeits room and board charges for the semester in which the suspension occurred. A student who is suspended from the University is unable to register for and attend classes or to be present on University premises for a prescribed period of time. Additionally, a registration hold is placed on the student's account, the student's access to Information Technology Services (i.e. University email, ePay, MyUAlbany, etc.) is terminated, and the student will be withdrawn from their classes for the semester in which the suspension is enacted.

A suspended student will have an academic transcript notation of the suspension. For non-sexual misconduct violations, a notation of "suspended-disciplinary" is placed on the student's academic transcript for a period of seven (7) years from the end of the academic year in which the student conduct referral was resolved. For sexual misconduct violations or for violations that are crimes of violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C 1092(f)(1)(F)(i)(I)-(VIII), a notation of "suspended after a finding of responsibility for a code of conduct violation" is placed on the student's academic transcript for a period of seven (7) years from the end of the academic year in which the student conduct referral was resolved.

Students who are suspended and wish to return to the University at Albany must first meet with Community Standards, prior to applying for readmission, to assess their readiness for readmission. Students who are Disciplinary Suspended *with conditions* and who wish to return to the University at Albany must meet with Community Standards to also verify the successful completion of the conditions.

F. Dismissal - Disciplinary

A student who is dismissed (expelled) from the University is permanently separated from the community, permanently prohibited from being on University premises and shall never return to the University. The student forfeits tuition and fees and does not receive academic credit for the semester in which the dismissal occurred. If a resident student, the student also forfeits room and board charges for the semester in which the dismissal occurred. Additionally, a permanent registration hold is placed on the student's account, the student's access to Information Technology Services (i.e. University email, ePay, MyUAlbany, etc.) is terminated, and the student will be withdrawn from their classes for the semester in which the dismissal is enacted.

A dismissed student will have an academic transcript notation of the dismissal. For non-sexual misconduct violations, a notation of "dismissed-disciplinary" is permanently placed on the student's academic transcript. For sexual misconduct violations or for violations that are crimes of violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C 1092(f)(1)(F)(i)(I)-(VIII), a notation of "dismissed after a finding of responsibility for a code of conduct violation" is permanently placed on the student's academic transcript.

G. Residence Hall/Apartment or Campus Restriction

A student may be restricted from appearing in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a risk or threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus classes, services or programs.

H. Restitution

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

I. Educational Programs & Service

Educational Programs & Services such as Alcohol Education Programs, Drug Education Programs, Community Service, By-Stander Intervention Programs, reflection or research papers, follow-up meetings, etc., may be used to supplement any other student conduct sanction.

J. Parental Notification

In accordance with Family Educational Rights and Privacy Act (FERPA) regulations, the Vice President may, in the exercise of their discretion, notify the parent(s) of any student found to have violated the provisions of Community Rights and Responsibilities.

K. Cease & Desist Directive

A written directive to a student prohibiting a student from contact and communication with another individual(s), either directly or through a third party. This may be issued reciprocally to multiple individuals.

L. No Contact Directive

A written directive only issued in cases involving an allegation of Sexual Misconduct. The No Contact Directive prohibits communication and contact with a protected individual, either directly or through a third party. If the Respondent (responsible student) and a protected person observe each other in a public place, it is the responsibility of the Respondent (responsible student) to leave the area immediately and without directly contacting the protected person.

2. Temporary Directives & Actions

A Temporary Directive is an interim measure taken, if reasonable under the circumstances, against a student pending a resolution of a University investigation and/or a Student Conduct Referral, with the exception of a Cease and Desist Directive. A Cease and Desist directive may be issued as a non-disciplinary directive for a temporary duration of time, such as, until one party is no longer a student at the University.

After a Temporary Directive is issued, the student shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any Temporary Directives. The Respondent shall be allowed to submit evidence in support of their request. The request for review must be submitted in writing to the Director of Community Standards (by email: communitystandards@albany.edu or, if permissible, in person: Campus Center 137) within 2 calendar days (48 hours) of the imposition of the Temporary Directive. The Director of Community Standards, or their designee, shall review the request.

A. Temporary Suspension

The Vice President, or their designee, may take action immediately to suspend a student from the University and remove the student from campus when the Vice President reasonably believes that the continued presence of such student would constitute a danger to the safety of persons or property. The suspension is temporary pending the resolution of the student's Student Conduct Referral as outlined in *Section 4* and/or *Section 5* of *Community Rights & Responsibilities*.

B. Temporary Removal from Residence

When the Director of Residential Life, or their designee, 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 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 students Student Conduct Referral as outlined in *Section 4* and/or *Section 5 of Community Rights & Responsibilities*.

C. Temporary Residence Hall/Apartment Restriction or Campus Restriction

The Vice President, or their designee, may take action to temporarily restrict a student from appearing 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 temporary restrictions may be imposed such as denial of access to specific campus services or programs.

D. Cease & Desist Directive

A Student Conduct Administrator, the Title IX Coordinator, or their designee may take action to issue a written directive to a student temporarily prohibiting a student from contact and communication with another individual(s), either directly or through a third party. This may be issued reciprocally to multiple individuals.

E. Temporary No Contact Directive

The Director of Community Standards, Title IX Coordinator, or their designee, in cases involving allegations of Sexual Misconduct, may issue a written directive temporarily prohibiting the Accused or Respondent from contact and communication with a protected individual, either directly or through a third party. If the Accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the Accused or Respondent to leave the area immediately and without directly contacting the protected person.

F. Temporary Withholding of Degree

The Vice President, or their designee, may temporarily suspend academic degree clearance or withhold a student's academic degree when a University investigation or Student Conduct Referral is pending, or when a student's full compliance with disciplinary sanctions are pending.

G. Temporary Account Hold

The Director of Community Standards, Title IX Coordinator, or their designee, may place an administrative or registration hold on a student's account when a University investigation or Student Conduct Referral is pending, or when a student's full compliance with disciplinary sanctions are pending.

SECTION 7: STUDENT CONDUCT APPEALS

1. Introduction

An appeal is the process to request a review of the original student conduct referral outcome. The Respondent has the right to submit one appeal of the original decision. In cases of sexual misconduct, both the Respondent and the Reporting Individual have the right to appeal (see Section 7.4 for further clarification). An appeal does not rehear a student conduct case, but rather, determines if the conclusion reached in the original case is valid based on substantiation of a procedural error, new evidence, or the severity of the sanction.

2. Appeal Grounds

An appeal may only be filed on the grounds below and must meet at least one of the three standards to be considered for appeal.

- A. **Procedural Error:** Procedural error occurs when the policies outlined in *Community Rights and Responsibilities* are not followed, and as a result, the outcome of the case was significantly impacted. A procedural error and its impact on the case outcome must be clearly described in the appeal.
- B. **New Evidence:** This refers to new evidence that was unavailable during the original hearing, the investigation or a scheduled meeting with a Student Conduct Administrator, that could significantly impact the original finding or sanction. A summary of the new evidence and its potential impact must be included. This does not include information available but not disclosed at the Student Conduct Hearing by choice (i.e., opting not to disclose information for any reason). In cases of Imposed Determinations, new evidence that was unavailable during the scheduled Student Conduct Procedures meeting.
- C. **Sanction Severity:** A sanction imposed as a result of the original student conduct meeting/hearing that is significantly outside of the parameters of the Sanction Guidelines may be appealed. Evidence must show that the sanction is inappropriate based on the infraction, according to standard Sanction Guidelines available at https://www.albany.edu/studentconduct/supplemental_policies.php.

3. Appeal Procedure for Cases of Non-Sexual Misconduct

- A. The Respondent may file a timely appeal that meets the appeal grounds. The appeal must be submitted electronically, in writing, within seven calendar days of receiving the decision letter via University e-mail. Instructions on how to file an appeal are provided in the decision letter. An appeal may not be submitted by a third party.
- B. The appeal, original conduct referral/record, and the imposed determination or the original Student Conduct Body's decision are reviewed by the Dean of Students, or their designee(s), to determine if the appeal is **timely AND meets the grounds** for appeal.
- C. The original decision and sanction will be upheld if the appeal is not timely or does not meet the grounds for appeal.
- D. If the appeal is timely AND meets the grounds, the Dean of Students, or their designee(s), may recommend the following actions:
 - i. Modify any of the decisions made by the Student Conduct Body or Student Conduct Administrator's: examples of possible modifications include, but are not limited to, changing a decision of "In-Violation" to "Not In-Violation" for one or more charges and/or changing the sanction to be less or more severe.
 - ii. Reverse all decisions made by the Student Conduct Body or Student Conduct Administrator: in this case, the Student Conduct Body or Student Conduct Administrator's entire original decision regarding responsibility and sanctions are overturned.
 - iii. Remand the matter back to the original Student Conduct Body or Student Conduct Administrator who heard the referral for a specific reconsideration or for the referral to be reheard, in part or in entirety.

- iv. Remand the matter to a new Student Conduct Body or Community Standards for the referral to be reheard.
- E. Appeal findings shall be recommended to the Vice President or the Vice President's designee who will render a final decision. For appeals of academic integrity violations, appeal findings shall be recommended to the Provost, or the Provost's designee, who will render a final decision. A written notification of the appeal decision will be made via University email. This decision is final.

4. Appeal Procedures for Cases of Sexual Misconduct

- A. The Respondent and Reporting Individual may file a timely appeal that meets the appeal grounds. The appeal must be submitted electronically, in writing, within seven calendar days of receiving their decision letter via University e-mail. Instructions on how to file an appeal are provided in the decision letter. An appeal may not be submitted by a third party. After the seven calendar day period, the Respondent and Reporting Individual will be notified regarding if an appeal was submitted or not by the opposing party.
- B. The appeal, original conduct referral/record, and the administrative agreement or the original Student Conduct Body's decision are reviewed by Appeal Review Panel to determine if the appeal is **timely AND meets the grounds** for appeal.
- C. The original decision and sanction will be upheld if the appeal is not timely or does not meet the grounds for appeal.
- D. If the appeal is timely AND meets the grounds, the Appeal Review Panel, may take the following actions:
 - i. Modify any of the decisions made by the Student Conduct Body or Student Conduct Administrator's: examples of possible modifications include, but are not limited to, changing a decision of "In-Violation" to "Not In-Violation" for one or more charges and/or changing the sanction to be less or more severe.
 - ii. Reverse all decisions made by the Student Conduct Body or Student Conduct Administrator: in this case, the Student Conduct Body or Student Conduct Administrator's entire original decision regarding responsibility and sanctions are overturned.
 - iii. Remand the matter back to the original Student Conduct Body or Student Conduct Administrator who heard the referral for a specific reconsideration or for the referral to be reheard, in part or in entirety.
 - iv. Remand the matter to a new Student Conduct Body or Community Standards for the referral to be reheard.
- E. The Appeal Review Panel makes the final decision. A written notification of the appeal decision will be simultaneously sent via University email to the Respondent and the Reporting Individual, respectively. This decision is final.



STUDENT AFFAIRS

UNIVERSITY AT ALBANY

State University of New York

COMMUNITY STANDARDS

OFFICE OF THE DEAN OF STUDENTS

CAMPUS CENTER 137

(518) 442-5501

albany.edu/communitystandards

EFFECTIVE AUGUST 30, 2019

Cimini, Dolores

From: All University at Albany Students <ALLSTUDENTS-L@LISTSERV.ALBANY.EDU> on behalf of University Notices <university-notices@ALBANY.EDU>
Sent: Wednesday, October 28, 2020 2:00 PM
To: ALLSTUDENTS-L@LISTSERV.ALBANY.EDU
Subject: UAlbany's Federal Drug-Free Schools and Campuses Regulations



October 28, 2020

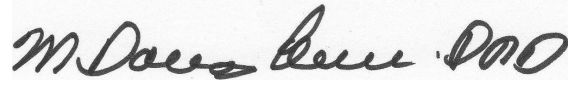
Dear Campus Community Members:

As a requirement of EDGAR Part 86 regulations, the University at Albany must disseminate information about alcohol and other drug policies, sanctions, health risks, and resources for assistance to all students and employees on an annual basis. The annual notification document may be found at <https://www.albany.edu/behavioralhealth/docs/AODNotification.pdf>.

Questions concerning this annual notification and/or alcohol and other drug programs, interventions and policies may be directed to Dolores Cimini, director, Center for Behavioral Health Promotion and Applied Research, at dcimini@albany.edu. Questions about employee related policies or programs may be directed to Brian Selchick, director of Employee Relations, at bselchick@albany.edu.

Best wishes for a healthy, safe and productive academic year.

Sincerely,



M. Dolores Cimini, Ph.D., Director
Center for Behavioral Health Promotion and Applied Research



Brian Selchick, Director
Employee Relations and Training

1400 Washington Avenue, Albany, NY 12222
albany.edu



Federal Drug-Free Schools and Campuses Regulations [EDGAR Part 86 Annual Notification

As a requirement of EDGAR Part 86 regulations, the University at Albany must disseminate and ensure receipt of the below information to all students and employees on an annual basis.

In this notification, you will learn about University policies and applicable sanctions focused on alcohol and other drug use, the health risks of alcohol and other drugs, and where to seek assistance for alcohol and other drug-related concerns on and off campus.

Questions concerning this annual notification and/or alcohol and other drug programs may be directed to Dr. M. Dolores Cimini, Director, Center for Behavioral Health Promotion and Applied Research, at dcimini@albany.edu.

Questions concerning employee policies or programs may be directed to Brian B. Selchick, Director of Employee Relations, at bselchick@albany.edu.

Policies: Alcohol and Other Drugs

As an academic community in which student success is a top priority, the University at Albany is committed to providing an environment in which learning and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, affects the University environment, as well as the individual potential of our students, faculty members, and staff. The University enforces state laws and related University policies, including those prohibiting the following activities on campus:

- Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- Distribution, possession, or use of illegal drugs or controlled substances.

The misuse or abuse of alcohol and other drugs by students, regardless of age and location (on-campus or off-campus), is prohibited by *Community Rights and Responsibilities* (see https://www.albany.edu/studentconduct/community_rights_and_responsibilities.php). The University can, and will, impose disciplinary sanctions for violations. Students are also subject to city ordinances and state and federal laws.

University employee violations are governed by University policy as set forth in the [Alcohol and Controlled Substances at the University Policy](#). Violations will result in disciplinary action. Violations are handled pursuant to the applicable collective bargaining agreement, if any.

The University at Albany's *Good Samaritan 911 Policy* (see https://www.albany.edu/studentconduct/good_samaritan.php) supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in Community Rights and



Responsibilities (Prohibited Conduct Drugs and Alcohol). This policy applies to emergencies both on and off campus.

The University strongly encourages students and staff members to voluntarily obtain assistance for concerns related to alcohol and drug use before such issues result in an arrest and/or disciplinary referral which might result in their separation from the institution. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered a valid reason for violations of the Student Conduct Code, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

Help is available both on campus and within the community for students and employees who are experiencing issues or problems related to alcohol and other drugs. Counseling and Psychological Services (for students) and the Employee Assistance Program (for employees) and the off-campus agencies listed on the last pages of this notification will maintain the confidentiality of persons seeking help for alcohol and other drug-related concerns and will not report them to institutional or state authorities in most cases; persons seeking services are encouraged to ask about confidentiality policies as well as exceptions to confidentiality.

The Center for Behavioral Health Promotion and Applied Research provides educational and prevention programs and services, information, and assistance for students at the University at Albany, as well as opportunities for training in the area of alcohol and drug prevention under the auspices of academic credit-bearing courses, internships, practica, and fellowships.

Student Sanctions: Alcohol and Other Drugs

Underage students confronted by the institution for the consumption of alcohol will face disciplinary sanctions as outlined in *Community Rights and Responsibilities*.

Students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, may face disciplinary action by the University up to and including expulsion.

As members of the University community, students are also subject to city ordinances and to state and federal laws. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the University imposes disciplinary sanctions.

Employee Sanctions: Alcohol and Other Drugs

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on University premises, or while conducting University business off University premises, is prohibited.

Violations of this prohibition by employees may result in disciplinary action up to and including termination of employment under applicable pursuant to all applicable and in effect laws, rules, regulations, University and SUNY policies and collective bargaining agreements.



Federal Drug Possession Penalties (21 USC 844)

Please refer to <https://www.deadiversion.usdoj.gov/21cfr/21usc/844.htm> for information on federal drug possession penalties.

Counseling and Treatment

Services for registered students who have concerns regarding alcohol and other drugs are available through Counseling and Psychological Services (CAPS), Health and Counseling Services, 1400 Washington Avenue, Albany, NY 12222, 12206. During the COVID-19 pandemic, CAPS services are available virtually. For information or assistance, please contact CAPS at 518-442-5800 or at consultation@albany.edu. Students may be referred through CAPS to other programs for more intensive treatment when this is determined to be the most appropriate next step. Services are provided to students as part of the University at Albany's Health and Counseling Fee.

The University at Albany also offers services to students in recovery through a Collegiate Recovery Program (CRP). Some self-help groups, such as Alcoholics Anonymous (AA), are offered on campus. For information about this program, please contact Dr. M. Dolores Cimini at 518-442-5800 or at dcimini@albany.edu.

The Employee Assistance Program (EAP) offers employees education, assistance, and referrals to counseling and treatment services as appropriate. For information or assistance, please contact 518-442-5483 or email eap@albany.edu.

For services within the Capital Region and throughout the state, the New York State Office of Addiction Services and Supports (NYSOASAS) maintains a listing of licensed providers in New York State. Within the Capital Region, the St. Peter's Addictions Recovery Center provides both outpatient and inpatient services as well as an inpatient detoxification unit at St. Peter's Hospital. Contact information for these services may be found at the end of this document.

Interested individuals are encouraged to contact the above agencies directly for additional information regarding specific services and, if applicable, costs for services.

Prevention and Education

Individual, group, and campus-wide educational programs and interventions designed to prevent and reduce alcohol and other drug use are offered to the University at Albany community through a variety of offices. The Center for Behavioral Health Promotion and Applied Research offers prevention and health promotion services to enhance health and well-being and reduce risks associated with alcohol and other drugs and related consequences. Counseling and Psychological Services offers assessment and treatment for students focused on alcohol and other drug-related concerns as well as mental health issues. The Dean of Students office includes the Office of Community Standards, which works with students who are sanctioned for alcohol and other drug-related policy violations and provides other services that may be of assistance to students dealing with alcohol and other drug issues.



For employees, the Employee Assistance Program (EAP) provides an array of services that include, but are not limited to, assistance with alcohol and other drug-related concerns in the form of assessment and referral assistance.

The Committee on University and Community Relations (CUCR) collaborates with representatives from local neighborhood associations, local colleges, police and fire departments, tavern owners and store owners, and other stakeholders to enhance the quality of life within off-campus areas, including the addressing of concerns related to alcohol and other drugs. The CUCR meets monthly, and meetings take place on the second Monday of each month, except for January, June, and July.

As mandated by the Drug-Free Schools and Campuses Act, during every even-numbered year, a biennial review of the University at Albany’s comprehensive alcohol and other drug program is conducted. Additionally, this notification, which includes information on policies and services, is distributed to all students and employees on an annual basis. For more information concerning current programs and services, contact Dr. M. Dolores Cimini, Director, Center for Behavioral Health Promotion and Applied Research, at dcimini@albany.edu. For information on policies, please contact the Office of Enterprise Risk Management and Compliance: <https://www.albany.edu/risk-management>.

Health Risks of Commonly Abused Substances

The use of alcohol and other drugs poses a number of health risks. The health risks associated with commonly used drugs are outlined in the table below:

Substance	Nicknames/Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing , vomiting, breathing difficulties, unconsciousness, coma, blackouts,	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, red devils, rookies, rohypnol, ruffles, trans, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence



Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation, anxiety, paranoia, increased hostility, Increased rate of breathing, muscle spasms and convulsions. dilated pupils, disturbed sleep	depression, weightloss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage
Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity , increased confusion, increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA	ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating , depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions death, physical dependence, psychological dependence
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological



			dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature,	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia,	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis,
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization in women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

Statement on the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADA and ADAA)

In accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act as Amended, no otherwise qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of University services, programs, or activities. Individuals receiving treatment for or who are in recovery from a Substance use Disorder (SUD) fall under the auspices of the ADA and ADAA. Students with Substance Use Disorders are encouraged to contact the Disability Resource Center (DRC) at 518-442-5490 or at DRC@albany.edu for additional information and to register for services.



Employees May contact the Office of Human Resources Management at ohrm@albany.edu for information.

Resources:

Help is available both on campus and within the community for students and employees who are experiencing issues or problems related to alcohol and other drugs. Please see the following page for a listing of helpful resources.

On-Campus Resources

For Students:

Office	Phone	Web Address
Community Standards	518-442-5501	https://www.albany.edu/communitystandards/
Counseling and Psychological Services	518-442-5800	http://www.albany.edu/caps/
Dean of Students	518-442-5501	https://www.albany.edu/dos
Disability Resource Center	518-442-5490	https://www.albany.edu/disability/
Five Quad Volunteer Ambulance Service	911 on Campus Phone or 518-442-3131	https://www.albany.edu/~fivequad/
Middle Earth Peer Assistance Program Hotline	518-442-5777	https://www.albany.edu/middleearthcafe/index.shtml
Student Health Services	518-442-5454	https://www.albany.edu/health_center/
Student Legal Services, Student Association	518-442-5654	https://www.albany.edu/studentassociation/legalservices.shtml
University Police Department	518-442-3131 or 911 on Campus Phone	https://police.albany.edu/

For Employees:

Office	Phone	Web Address
Employee Assistance Program	518-442-5483	http://www.albany.edu/eap
University Police Department	518-442-3131 or 911 on Campus Phone	https://police.albany.edu/

Off-Campus resources

Office	Phone	Web Address
Albany Police Department (Emergency)	911	https://www.albanyny.gov/Government/Departments/PoliceDepartment.aspx
Albany Police Department (Non-Emergency)	518-438-4000 518-462-8013	https://www.albanyny.gov/Government/Departments/PoliceDepartment.aspx
Albany County Sheriff	518-487-5400	http://www.albanycounty.com/Government/Departments/CountySheriff.aspx
Albany County District Attorney	518-487-5460	https://www.albanycountyda.com/Home.aspx
New York State Office of Addiction Services and Supports Treatment Availability Locator	518-473-3460	https://findaddictiontreatment.ny.gov/
St. Peter's Addictions Recovery Center (SPARC)	518-525-1303	https://www.sphp.com/addiction-sph

AOD Use and Mental Health Concerns at UAlbany

Trends and Results of the 2019 Student Health Survey

Karen L. Sokolowski, PhD



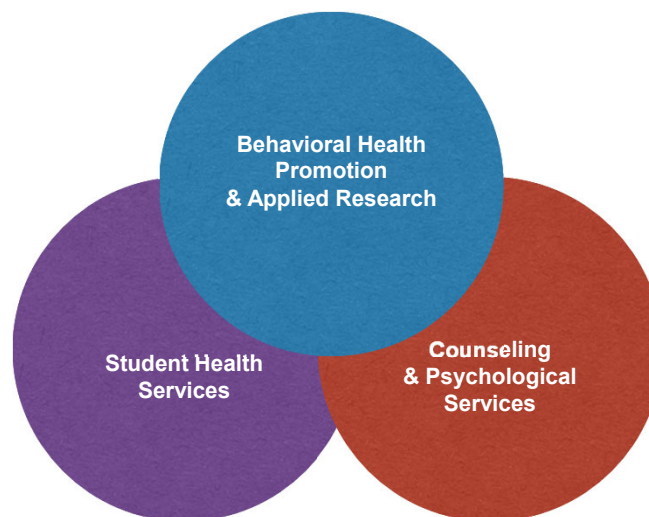
Center for Behavioral Health
Promotion & Applied Research



Counseling and
Psychological Services

1

Health, Counseling & Behavioral Health Promotion



2

Components of UAlbany Comprehensive AOD Prevention Program

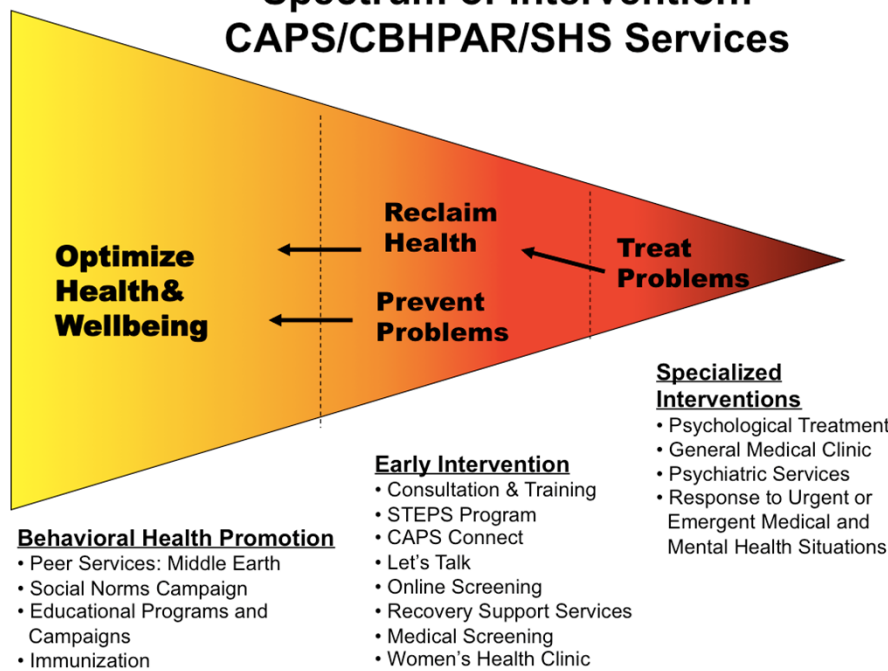
- ✓ Presidential Leadership
- ✓ Campus AOD Task Force
- ✓ Student Involvement/Leadership
- ✓ Social Norms Marketing
- ✓ Campus-Community Coalitions
- ✓ Inclusive Academic Excellence
- ✓ Healthy Living Communities
- ✓ Alcohol-Free Activities
- ✓ Early Intervention
- ✓ Restricting Alcohol Marketing/Promotion
- ✓ Policy Evaluation/Enforcement
- ✓ Parental Involvement
- ✓ Treatment & Referral
- ✓ Research and Program Evaluation



Comprehensive Program

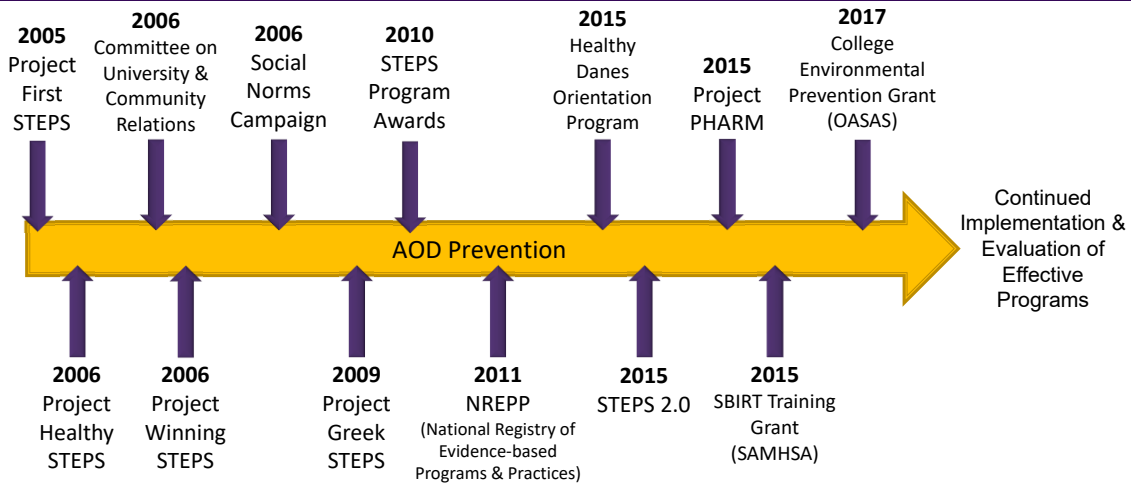
3

Spectrum of Intervention: CAPS/CBHPAR/SHS Services



4

Evidence-based Practice Implementation & Evaluation



5

UAlbany Social Norms Campaign

64% CHOOSE NOT TO USE MARIJUANA

74% HAVE 0-5 ALCOHOLIC DRINKS PER WEEK

87% DON'T USE MEDICATIONS PRESCRIBED TO OTHERS

87% TAKE STEPS TO BE SAFER AT PARTIES

92% DON'T MIX MEDS & SUBSTANCES TO FEEL INTOXICATED

75% DON'T LET ALCOHOL INTERFERE WITH HAVING SAFER SEX

95% CHOOSE NOT TO USE ILLEGAL DRUGS

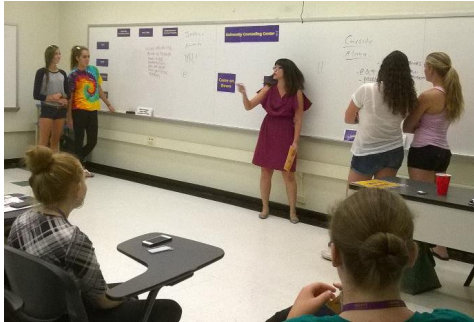
96% DON'T LET ALCOHOL AFFECT THEIR ACADEMICS

GREAT DANKES TAKE GREAT CHOICES



6

Healthy Danes Orientation Program



STEPS Screening and Brief Intervention Programs



UAlbany Student Health Survey 2019

- 1,350 surveys
- Collected in 16 classes
- February 18 – March 14



STUDENT AFFAIRS
UNIVERSITY AT ALBANY State University of New York

9

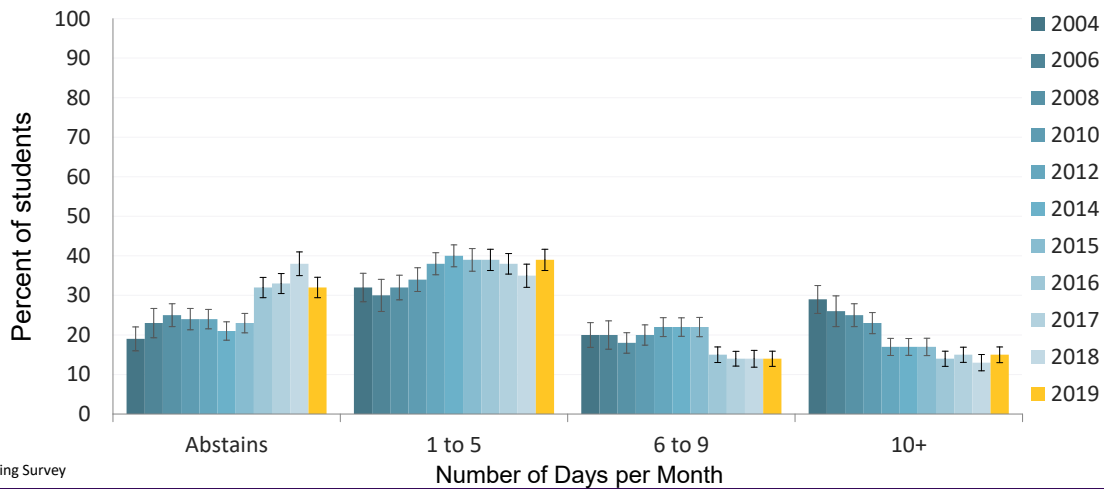
UAlbany Student Health Survey: Alcohol and Other Drug Use



STUDENT AFFAIRS
UNIVERSITY AT ALBANY State University of New York

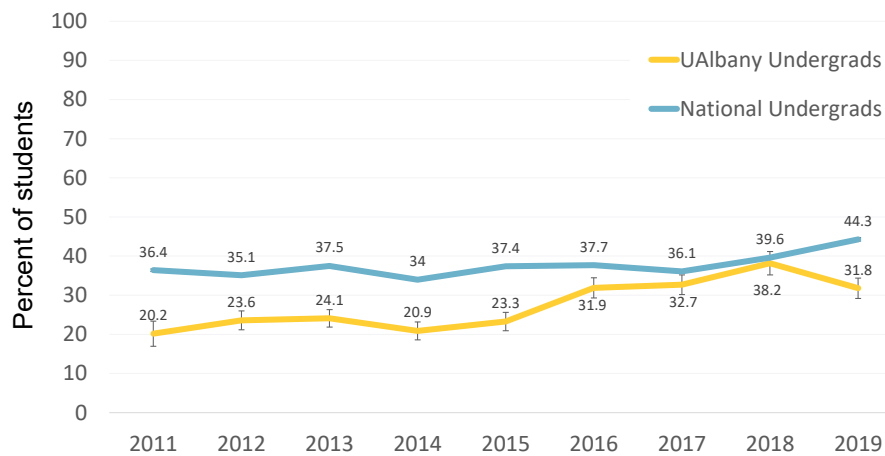
10

UAlbany Undergraduate Alcohol Use: Drinking Days per Month



11

Alcohol Abstinence (in Last 30 Days)

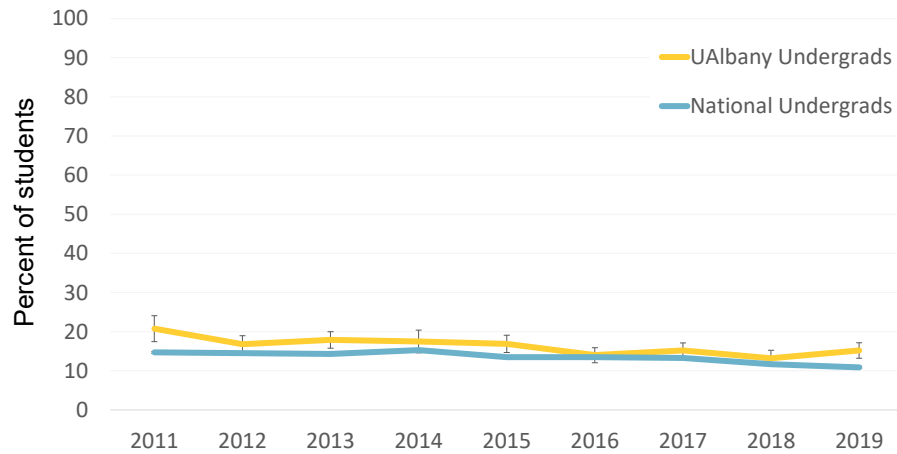


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



12

Alcohol Use 10+ Days per Month

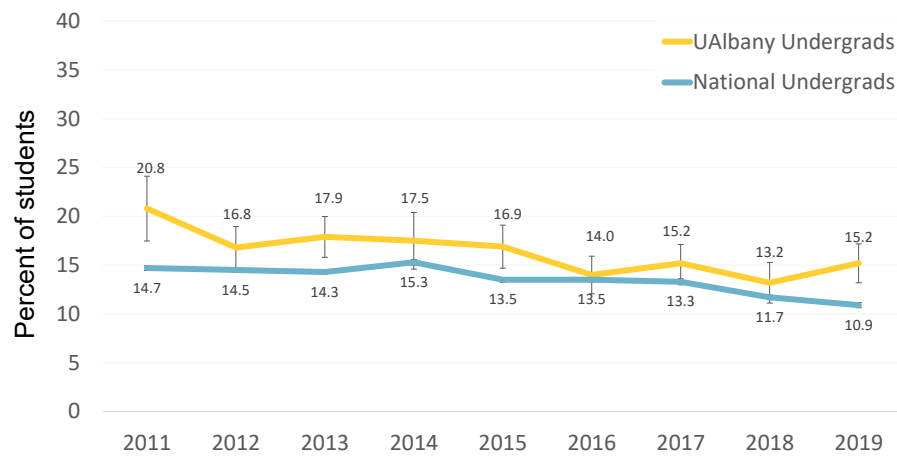


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



13

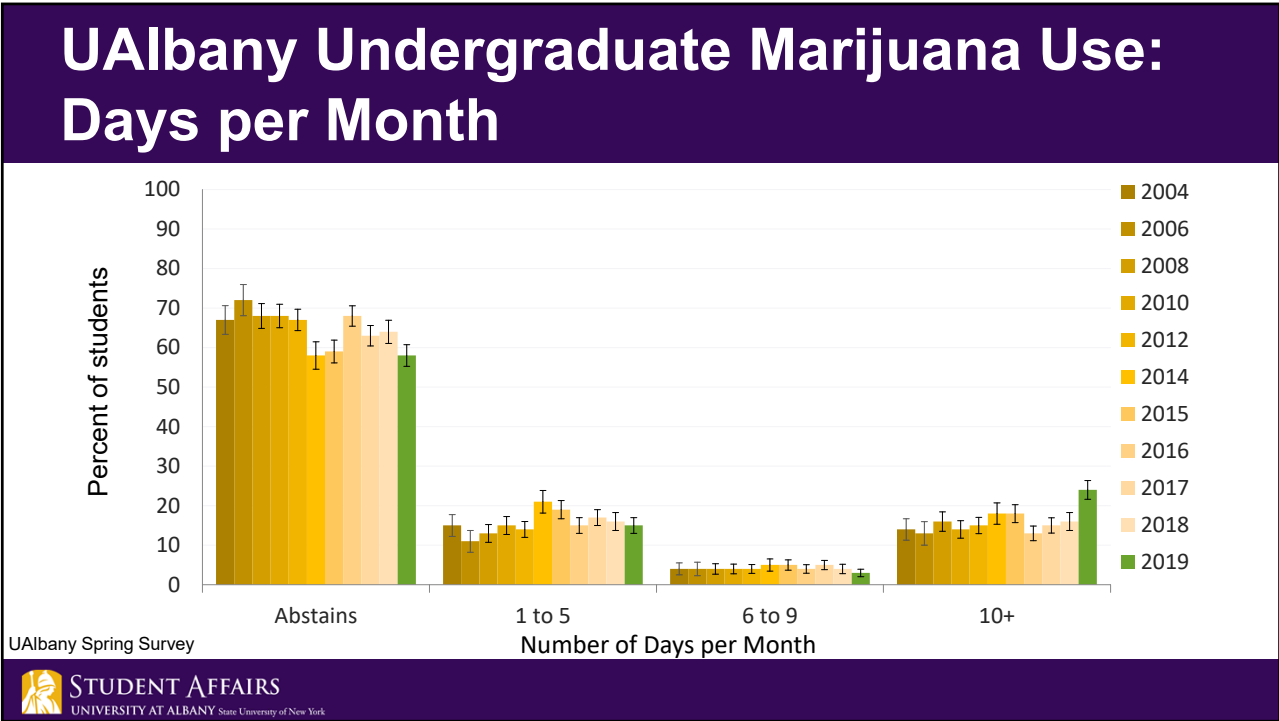
Alcohol Use 10+ Days per Month



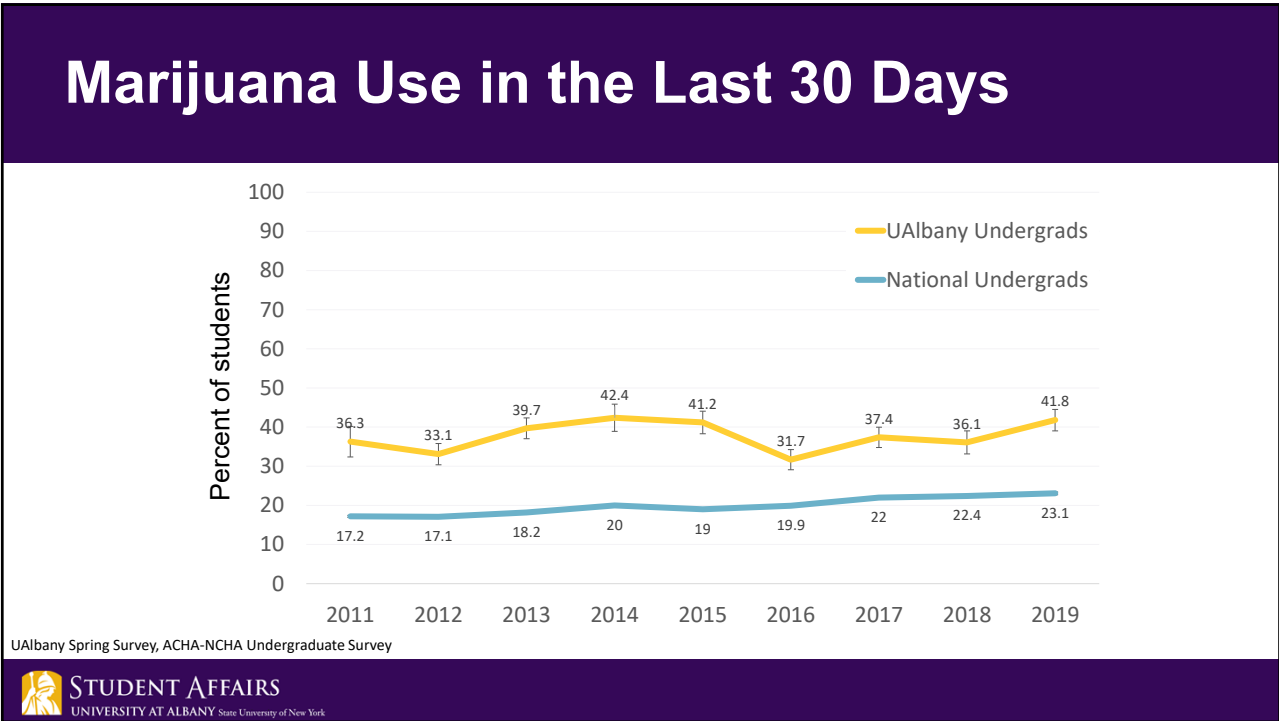
UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



14

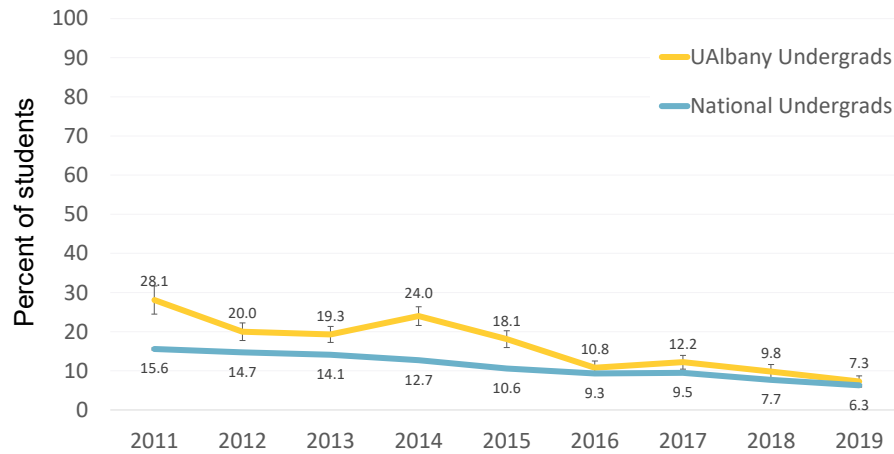


15



16

Cigarette Use in the Last 30 Days

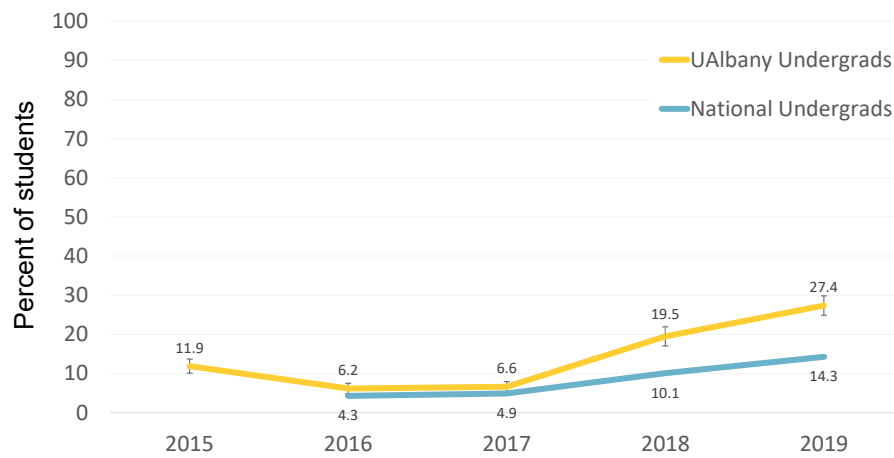


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



17

E-Cigarette Use in the Last 30 Days

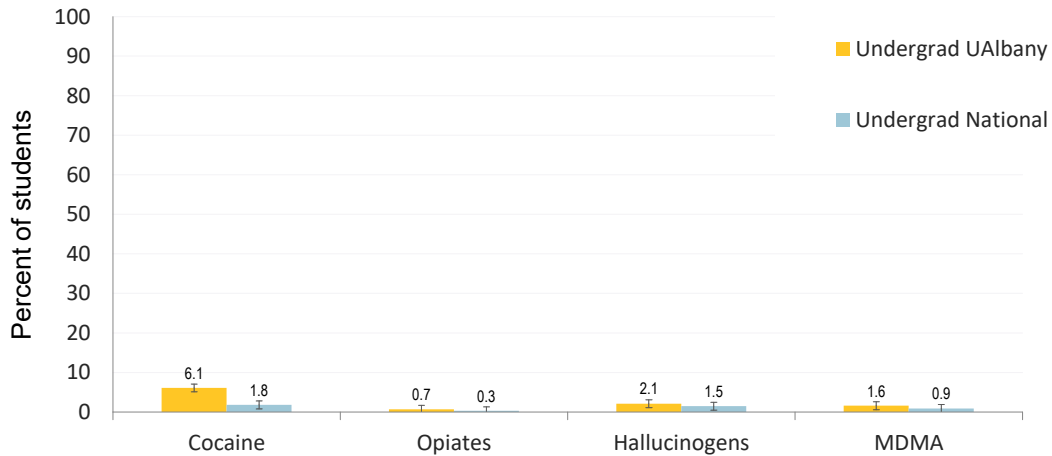


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



18

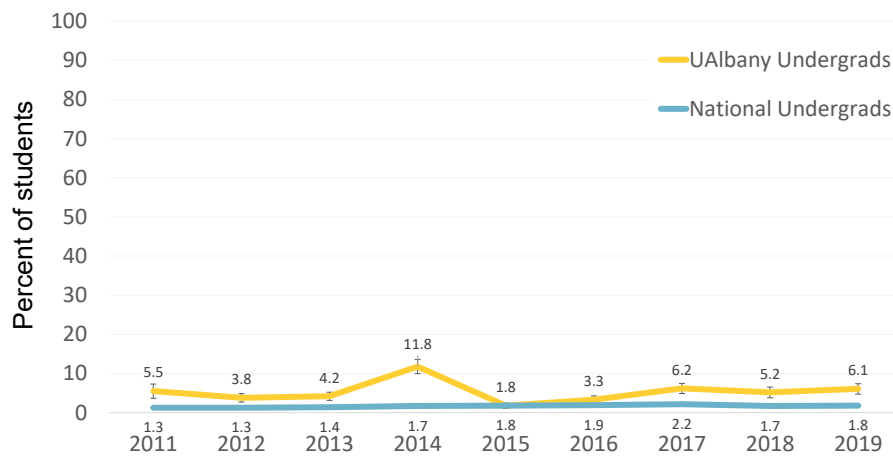
Use in the Last 30 Days



UAlbany Spring Survey, ACHA-NCHA Survey 2018



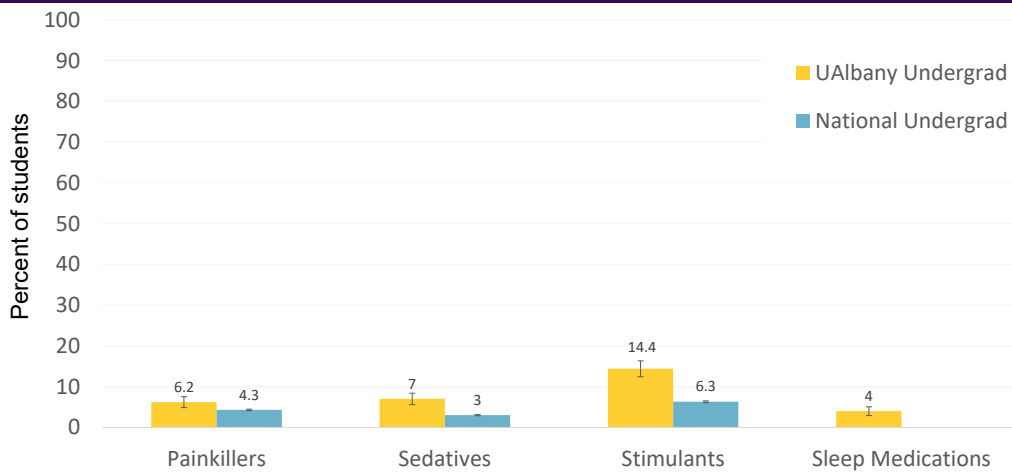
Cocaine Use in the Last 30 Days



UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



Use Without a Prescription in the Last 12 Months

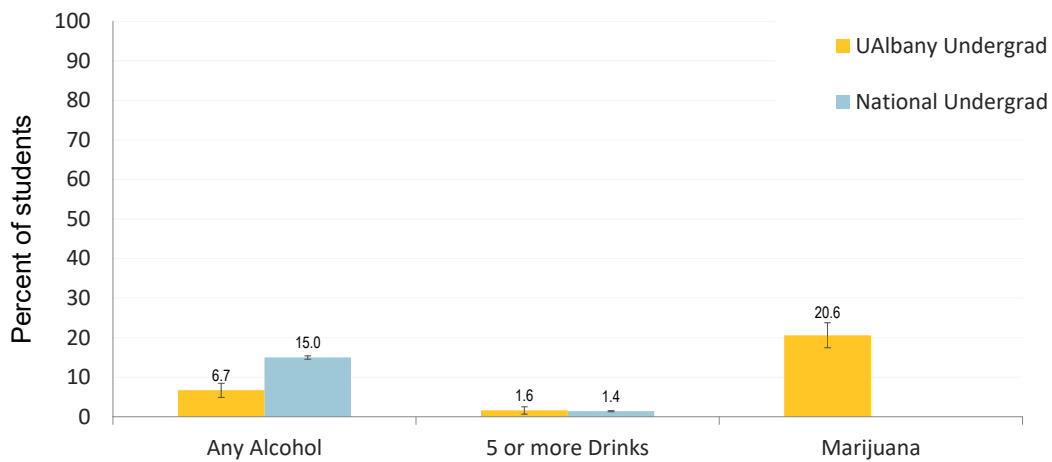


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey, 2018



21

Driving under the Influence*



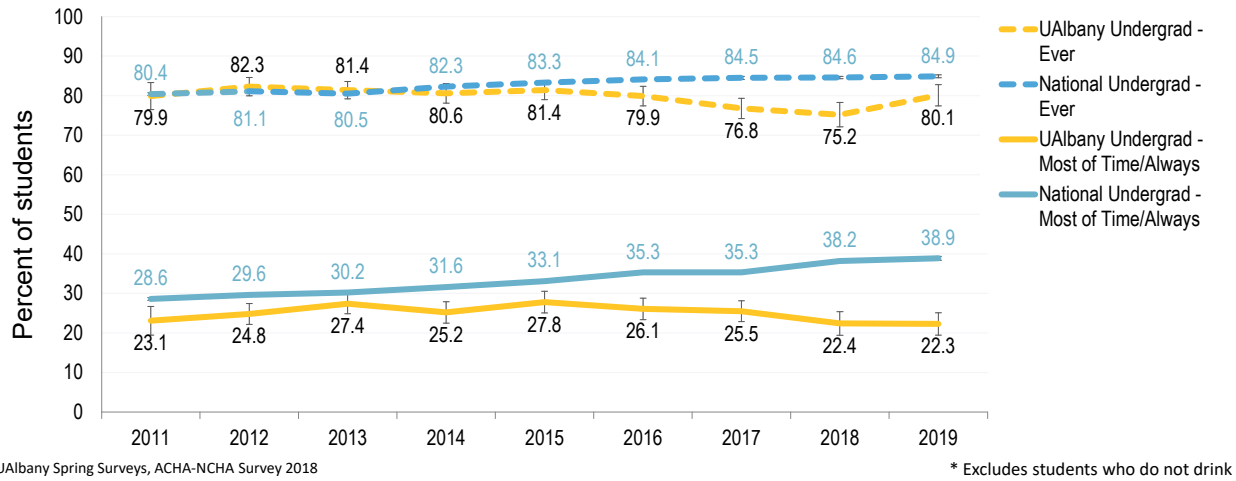
UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey, 2018

*Excludes those who do not use or do not drive



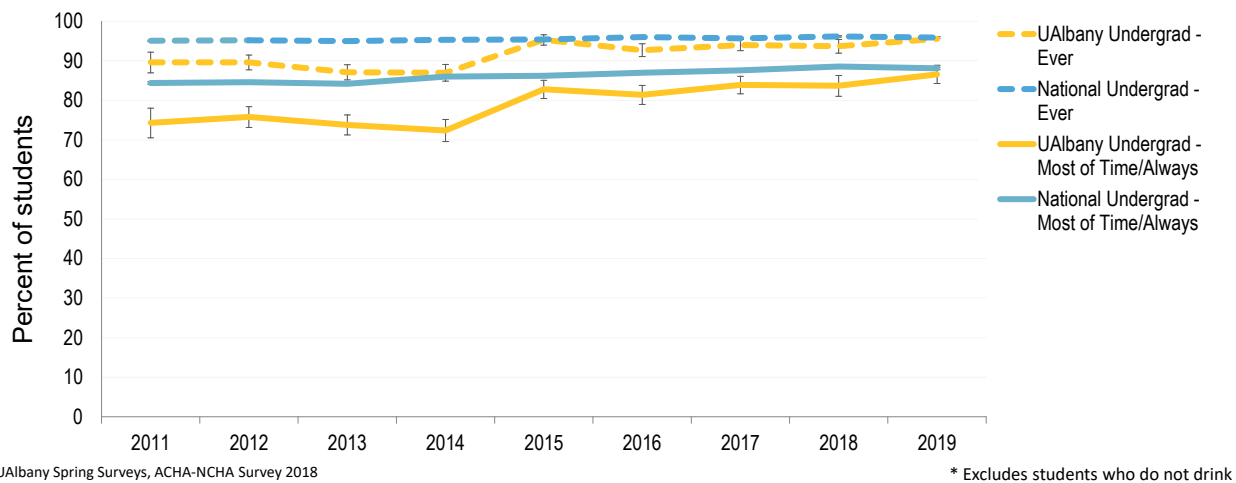
22

Protective Behaviors in Last 12 Months: Alternate with non-alcoholic beverages



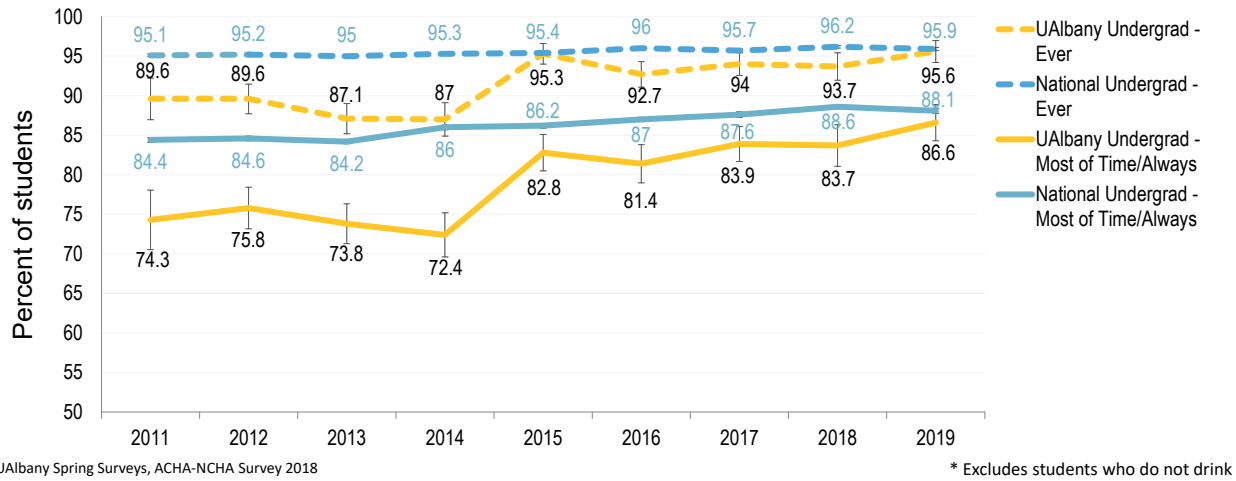
23

Protective Behaviors in Last 12 Months: Use a Designated Driver



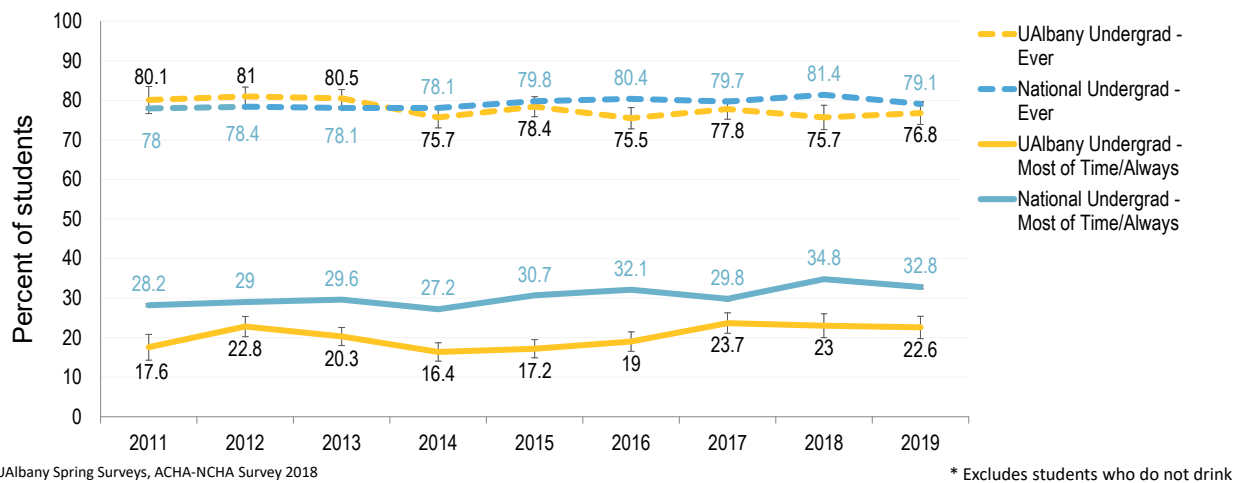
24

Protective Behaviors in Last 12 Months: Use a Designated Driver



25

Protective Behaviors in Last 12 Months: Pace Drinks to 1 or Fewer per Hour



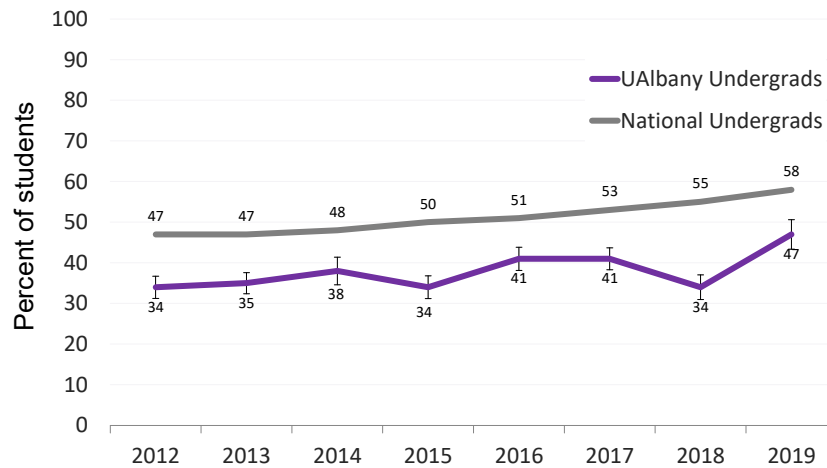
26

UAlbany Student Health Survey: Mental Health Concerns



27

Felt Hopeless: Past 12 Months

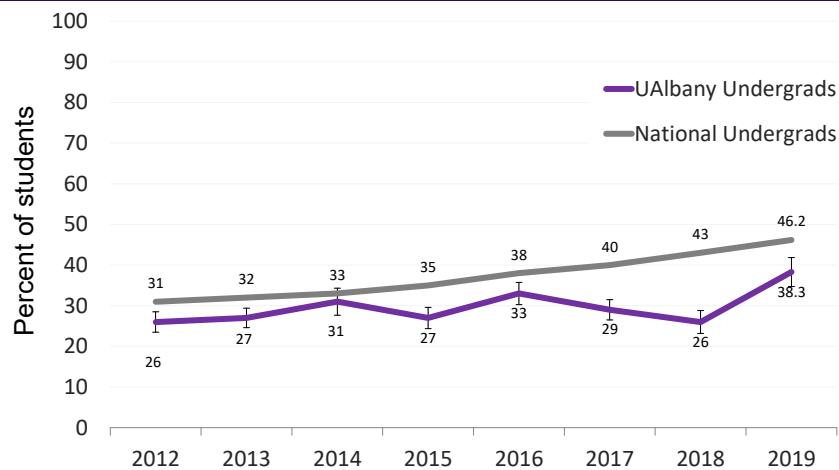


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



28

Felt So Depressed it was Difficult to Function: Past 12 Months

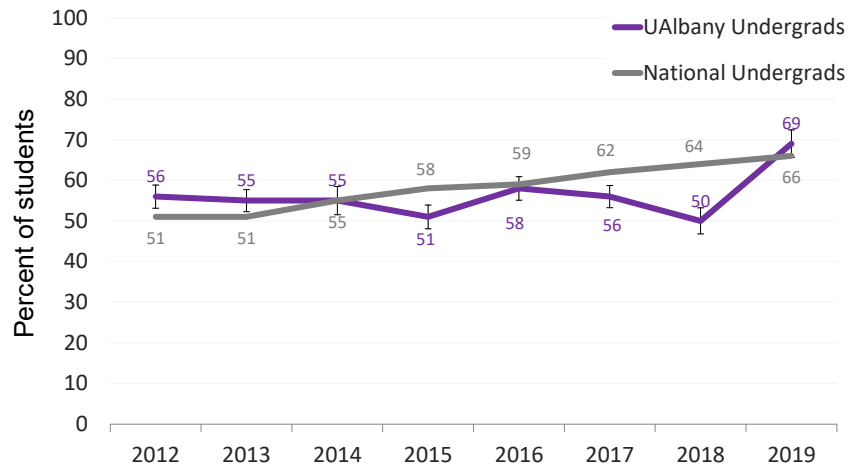


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



29

Felt Overwhelming Anxiety: Past 12 Months

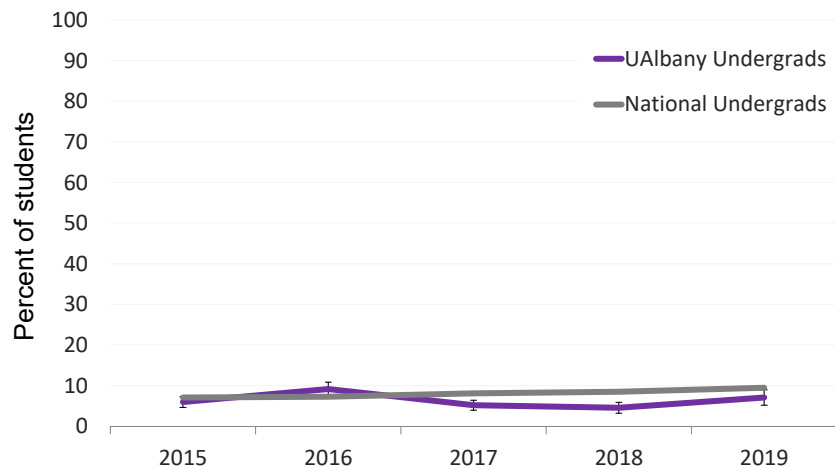


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



30

Intentionally Injured Self: Past 12 Months

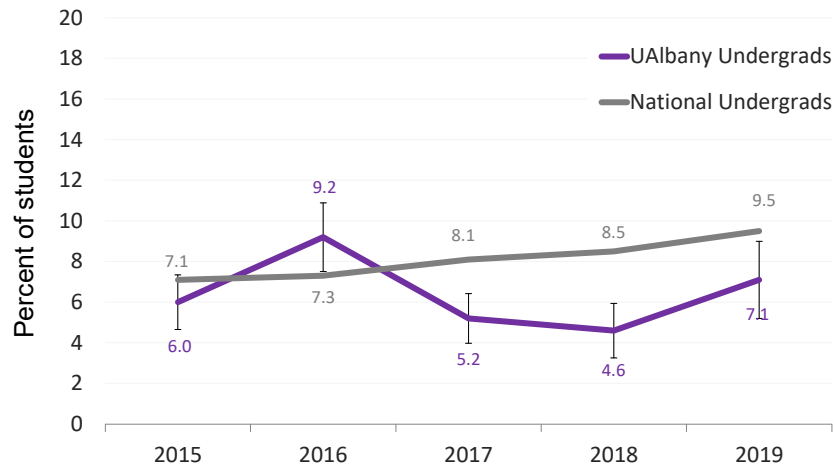


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



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Intentionally Injured Self: Past 12 Months

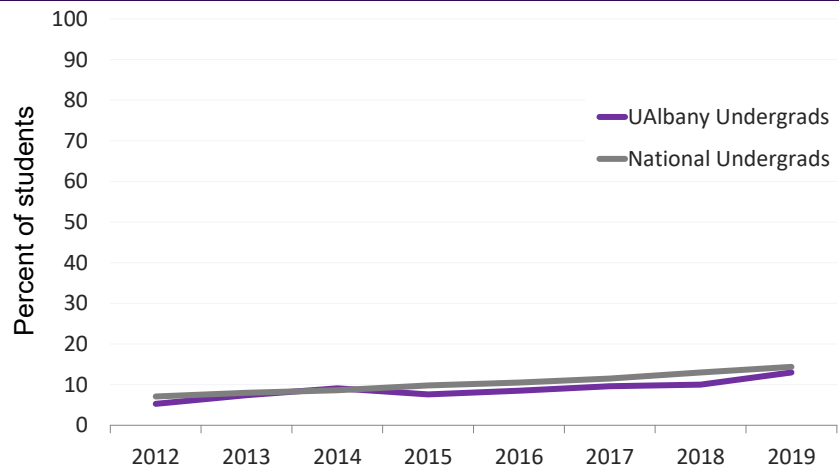


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



32

Seriously Considered Suicide: Past 12 Months

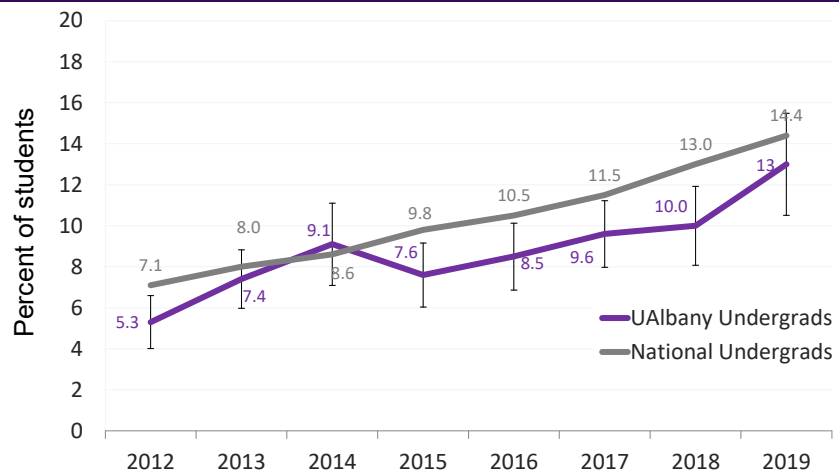


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



33

Seriously Considered Suicide: Past 12 Months

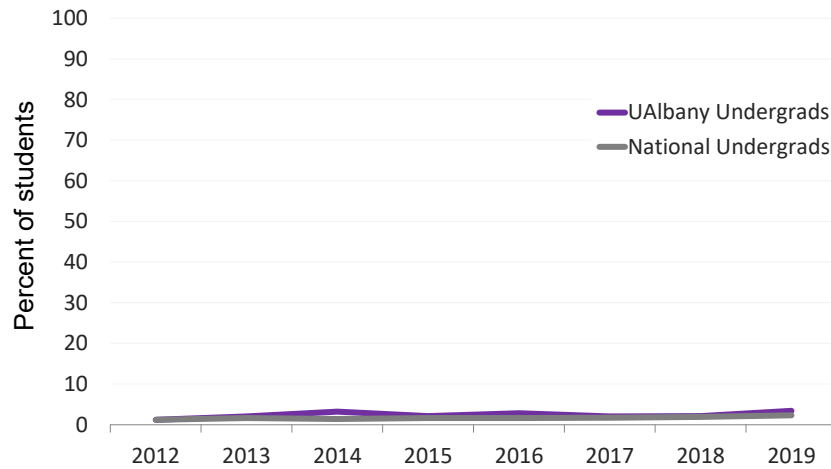


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



34

Attempted Suicide: Past 12 Months

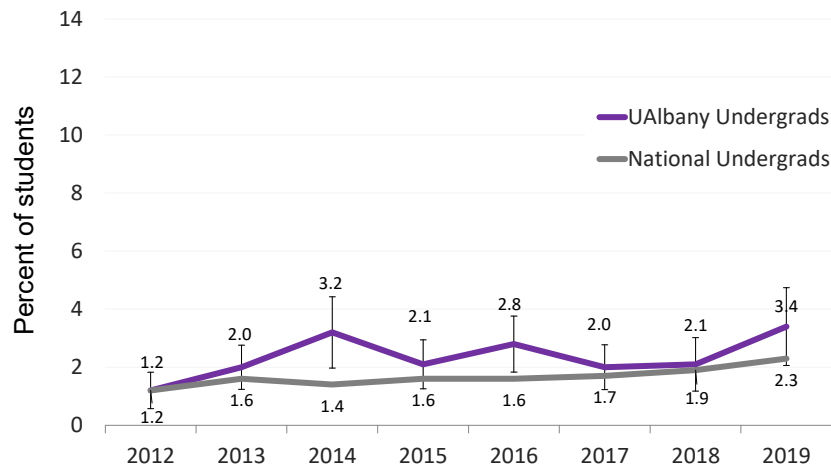


UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



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Attempted Suicide: Past 12 Months



UAlbany Spring Survey, ACHA-NCHA Undergraduate Survey



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