

POLICIES AND PROCEDURES

These policies and procedures align with the mission of the university, and have been developed with appropriate consultation across the university. They are intended to mitigate institutional risk, enhance effectiveness, and support the university's compliance with federal, state, SUNY, and local laws and regulations.

As an institution of higher education that receives funding under Title IV; a state entity; and an institution of SUNY; Empire State University adheres to all federal, state and SUNY regulations. Where the university does not have a policy specific to a situation, additional references are listed that direct users to resources for regulations outside of the university's publications. Additionally, individual policies reference state and SUNY regulations for information and guidance beyond that provided in the policy.

Please Note: This catalog is a static document published once a year, whereas policies and procedures are subject to change periodically throughout the year. The policies, procedures and guidelines in this section were current at the time of this catalog's publication and are pertinent to students of the School for Graduate Studies. Please refer to the Policies webpages (<https://www.sunyempire.edu/policies/>) of the SUNY Empire website for the most up-to-date, comprehensive listing of SUNY Empire's policies that may not be included here.

STUDENT ACADEMIC APPEALS POLICY AND PROCEDURES

Students are responsible for reviewing and abiding by the university's academic policies and procedures. Students are responsible for their academic choices and for meeting the standards of academic performance established for each study or course in which they enroll.

Faculty are responsible for establishing methods and criteria for evaluation and evaluating a student's performance in learning contracts, courses, final projects, exams, prior learning assessments, etc. Evaluations of students, awards of academic credit, and other academic judgments are based upon academic performance and the application of relevant academic policies.

Academic judgments made by faculty and other academic professionals are recorded in university documents, such as:

- Course outcomes, and grades;
- Evaluations of prior learning; and
- Written academic decisions made by assessment committees, academic review committees, or other academic staff.

Students may appeal an academic decision if they believe that an academic judgement was unfair or that the university's academic policies were not followed or were applied incorrectly. Both student and instructor or decision-maker involved in the appeal have a right to a meaningful opportunity to be heard and to respond to information and documentation presented.

Grades on individual assignments may not be appealed.

Procedures for Appeals of Academic Decisions

The dean or designee for the program where an academic decision was made is responsible for administering the appeals process.

If the relevant administrator made the original academic decision while serving in the role of mentor, instructor, or evaluator, an appropriate

administrator will be assigned to the administrative role in the appeals process.

The locus of appeal is with the program or academic unit where the original academic decision was made. For example, if a student enrolls in a Nursing course and appeals the course outcome, the appeal is reviewed by the School of Nursing and Allied Health.

Questions about the appropriate focus of an appeal are resolved by the provost or designee.

The university appeals process includes an informal resolution procedure, as well as a procedure for formal appeal of an academic decision. The university expects the student to attempt an informal resolution before making a formal appeal.

A. Procedure for Informal Resolution

The informal resolution process includes two possible steps:

1. The student should discuss the matter directly with the party who made or represented the academic decision (instructor, mentor, assessment committee representative, assessment professional, etc.) and make a reasonable effort to resolve the issue. The student must begin such an informal resolution process within 20 business days of receiving the academic decision.
2. If no resolution is reached through the first step, or if the student is uncomfortable trying to resolve the issue directly with the appropriate party, the student should request informal resolution by the relevant dean or associate dean. This step must occur within 30 business days of the student's receipt of the original academic decision. The dean or associate dean does not play a decision-making role; rather, he or she facilitates a resolution when possible.

B. Procedure for Formal Appeal

1. A student may initiate a formal appeal of an academic decision within 40 business days of receipt of the decision. The student submits a written appeal to the school's dean or designee or program administrator and includes in it:

- A full description of the academic decision and the basis for the student's appeal for reconsideration,
- A statement of the remedy the student is seeking,
- Any supporting documents, such as:
 - Learning contract/syllabus, and course outcomes and evaluations;
 - Evaluations of prior learning; and
 - Written academic decisions made by assessment committees, academic review committees, center or program administrators, or other academic staff.
- Information on when and with whom the student attempted an informal resolution.

2. Initial Review

a. Based on its initial review, the school's dean or designee may return an appeal to the student for further information or clarification. If the appeal is returned for further information or clarification, the student must submit the requested information or revision within 10 business days for the appeal to be heard.

b. Upon review of the initial or resubmitted appeal, the dean or designee may determine that there is no claim of unfairness or incorrect application of university policies is made or information to

support such a claim is not included and rejects the appeal and/or refers the student to more appropriate policies, copying the primary mentor/ academic advisor.

c. The dean or designee should convey a decision not to hear an appeal within five business days of receiving the initial or resubmitted appeal.

d. If the appeal is accepted, the dean or designee transmits the appeal to the school's AAHC and provides a copy to any other relevant parties. The dean or designee should take these steps within five business days of receiving a complete appeal. He or she ensures that the AAHC review takes place in a timely manner.

3. AAHC Hearing

a. Each school will ensure a fair and timely hearing of the information and produce an accurate record of the hearing. AAHC consideration of the appeal focuses only on the student's claim of unfairness or incorrect application of university policies.

b. The AAHC may obtain additional relevant information before or after a hearing.

c. The AAHC should schedule a hearing within 20 business days of the acceptance or of an appeal to consider information relevant to the appeal. A hearing may take the form of a meeting, conference call, or video conference, at the discretion of the AAHC.

d. The chair of the AAHC ensures a fair and timely consideration of the information and provides an accurate record of the hearing to the dean or designee.

e. The student may participate in the hearing and present his or her case directly to the AAHC. Likewise, the faculty or staff member responsible for the original decision also may participate in the meeting and present relevant information. The student and the faculty/staff member meet separately with the committee.

f. A student may have an advisor at the meeting; however, the advisor may not participate in the hearing.

4. Following a hearing, the AAHC deliberates in closed session. Decisions are made by majority vote unless otherwise noted. The AAHC may:

- Uphold the original decision;
- Refer the decision back to the individual or committee making the original academic decision for reconsideration based upon AAHC findings regarding fairness and/or application of university policy;
- Revise or overturn the original decision, which requires a unanimous vote by the AAHC; or
- Refer to an appropriate content expert for evaluation, which require a unanimous vote by the AAHC.

The AAHC should provide a written report to the dean within five business days of the hearing.

The dean notifies the student of the decision, copying the primary mentor/academic advisor, and includes a brief explanation.

5. Reconsideration by original decision-maker. If this is the outcome of the hearing, the dean refers the decision back for reconsideration, the individual, or committee making the original decision reviews the situation and may either affirm the original decision or issue a new

decision. The individual or committee should convey the result in writing to the student and other relevant parties within 20 business days of the referral.

6. Appeal of an Academic Appeals and Honesty Committee decision. Decisions made by the AAHC may be appealed to the provost or designee.

a. The student must submit any further appeal in writing to the provost within 20 business days of transmittal of an AAHC decision or a reconsideration decision, and must include an explanation or justification for the appeal.

b. The provost or designee should notify the other relevant parties within seven days of receiving an appeal. Those parties normally provide any written response within 10 business days.

c. The provost or designee should provide a written decision and rationale within seven days of receiving responses to the appeal. The written decision is conveyed to the student with copies to the other relevant parties.

d. The provost's decision is final.

7. A student's status does not change while an appeal is under consideration. If a student was dismissed, he or she remains dismissed. If he or she is in academic warning, the warning stands.

ACADEMIC HONESTY POLICY AND PROCEDURES

When facing a breach of academic honesty expectations, a faculty member exercises her/his academic judgment in light of the particular circumstances and the student's academic history. Consultation with the dean, associate dean, chair, and/or primary mentor/academic advisor throughout the process is encouraged.

When faced with a potential breach of academic honesty, the faculty member:

1. Reviews this policy and procedures statement.
2. Documents the concern to the extent possible.
3. Consults student academic services, or equivalent, to ascertain if there were previous incidents.
4. Raises the concern quickly and directly with the student in writing, outlining how the student has breached the academic honesty standards, and copying the student's primary mentor/ advisor and student academic services, or equivalent. This should typically occur within 20 business days.
5. Determines the appropriate response, which may include responding to the breach while continuing to work with the student in the course, assigning an F grade, or not providing a credit recommendation for a PLA component.

If the faculty member continues to work with the student in the course, s/he also may do one or more of the following:

1. Provide developmental advice to the student on academic expectations.
2. Require that the student consult specific research writing or other academic skills development resources.
3. Require that the student rewrite the assignment(s), meeting standards for academic honesty.

4. Require that the student complete additional assignment(s) that meet standards for academic honesty.
5. Deduct points or fail the student on the assignment.

Having provided guidance to the student, the faculty member remains alert to the possibility of further breaches.

If the faculty member determines that the appropriate response is to assign an F for the course, the student loses access to academic services related to the course including the online learning site for the course. A student who is denied a credit recommendation for dishonesty for a PLA may not resubmit the same or similar component for evaluation. A student who receives a grade of F for a course or does not receive PLA credit may appeal that decision through the university's Student Academic Appeals Policy and Procedures.

Serious Acts of Dishonesty

Serious acts of dishonesty include but are not limited to plagiarism, stealing, selling, or buying of an examination or paper; the presentation of the work of another as one's own, copying examination answers from another source or individual, having someone else do your work either on or off-line, and repeated acts of plagiarism, cheating, misrepresentation, and misappropriation.

Possible Penalties

Serious or continued breaches of academic honesty may constitute grounds for academic warning or dismissal from the university. The following penalties may apply:

Academic Warning: An academic warning for academic dishonesty is a formal written notice from the dean to the student providing conditions for continued enrollment in the university. It describes the nature of the breach of academic honesty standards, expectations for future behavior, and any specific educational requirements. The academic warning for academic dishonesty is included in the student's official university record. A breach of academic honesty expectations after an academic warning for academic dishonesty normally leads to dismissal.

An academic warning for academic dishonesty remains active on the student's academic record until graduation. While the university retains information internally about the academic warning after graduation, the university clears the official record. If the student pursues additional study with the university, the information is available to university personnel who may consider it if the student breaches academic honesty expectations again.

Academic Dismissal: An academic dismissal for academic dishonesty is an indefinite separation from the university. The formal written notice describes the nature of the breach of academic honesty expectations. The academic dismissal for academic dishonesty is included in the student's official university record.

Review of Serious Cases of Dishonesty

If a breach of academic honesty is reported, and if the faculty member, primary mentor/advisor, or dean or designee believes that it is serious enough to warrant an academic warning or dismissal, s/he refers the case to the dean or designee of the student's home school or program. He/she may:

1. Refer the case to the academic appeals and honesty committee (AAHC) for a recommendation on academic warning or academic dismissal.

2. Recommend, in consultation with the student's primary mentor/advisor, additional educational activities, and/or provide developmental advice.

Academic Appeals and Honesty Committee Procedures

AAHC procedures are as follows:

1. When the dean or designee refers the case to the AAHC, he/she notifies the student in writing within 10 business days of receiving the copy of the notice to the student from the faculty member. The dean's notice provides the student the opportunity to respond in writing to the AAHC.
2. The student has 10 business days to submit any written response to the AAHC.
3. The AAHC considers the student's response in its review. The AAHC may obtain additional relevant information before or after the committee meets to review the case.
4. The AAHC should schedule a meeting to consider relevant information within 20 business days of receiving an academic dishonesty case. A meeting may take the form of a face-to-face meeting, conference call or video conference, at the discretion of the AAHC.
5. The chair of the AAHC ensures a fair and timely consideration of the information and provides an accurate record of the meeting to the dean.
6. The student may participate in the meeting and present his or her case directly to the AAHC. Likewise, the individual(s) referring the case also may participate in the meeting and present relevant information. The student and the individual referring the case meet separately with the committee.
7. A student may have an advisor at the meeting; however, the advisor may not participate in the meeting.
8. Following the meeting, the AAHC deliberates in closed session. Decisions are made by majority vote. The AAHC may:
 - Decide that a penalty is unwarranted;
 - Recommend that the dean or designee issue an academic warning; or
 - Recommend that the dean or designee dismiss the student from the university.
9. Within five business days of the hearing, the AAHC transmits its recommendation and brief rationale in writing to the dean or designee.
10. After reviewing the AAHC's recommendation, the dean or designee may decide to issue an academic warning or dismissal as appropriate to the situation, or may issue another decision.
11. The dean or designee provides to the student a written notice of her/his decision in the case within five business days of receiving the AAHC recommendation, copying the primary mentor/academic advisor. The written notice specifies the effective date of the action and a copy is retained.

Reinstatement After Dismissal for Academic Dishonesty

For the dean or designee to consider reinstatement, a student must present convincing written evidence that s/he has come to value the standards for academic honesty and a written affirmation that s/he agrees to follow the university's Academic Honesty Policy.

The dean or designee of the student's school or program is responsible for acting on requests for reinstatement after academic dismissal. Students are not eligible for reinstatement for at least 16 weeks or one term, whichever is longer, after an academic dismissal.

Students who are academically dismissed a second time for academic dishonesty are not eligible for reinstatement.

- If the dean or designee reinstates a student, he/she places the student in warning status.
- The dean or designee also may establish terms and conditions for re-enrollment.

Written Notice: The dean or designee sends a copy of any written notice of reinstatement to the student's primary mentor/advisor and retains a copy.

Student Appeals

Students may appeal any decision made about academic honesty as outlined in the academic appeals policy and procedures.

ADDING AN ADVANCED CERTIFICATE PROCEDURE

The School for Graduate Studies offers many advanced certificate programs. While a certificate can be completed as a standalone program, you may want to complete a certificate while completing a master's degree as a way of enhancing your master's and earning two credentials at the same time. If considering adding a certificate program, you should discuss this with your academic advisor. Some, or all, of the certificate courses may be used in your master's degree depending on which degree you are in and how close you are to completion.

It is important to note that if completing both an advanced certificate and a master's degree at the same time, financial aid is not available for credits taken beyond the total number required for the master's degree.

To add a certificate program, you must apply (<http://www.sunyempire.edu/GradApply/>) and pay the \$50 orientation fee.

GRADUATE ADMISSION POLICY

Definitions

Academic Program: defined in the New York State Education Regulations as the "formal educational requirements necessary to qualify for certificates or degrees [and] ...includes general education or specialized study in depth in a particular field, or both." These academic programs are represented by the program titles under which the state education department has registered the university's degree programs.

Degree Programs: Academic programs in which the end result is a graduate degree. This definition applies to degrees at the Master's and Doctoral levels.

Advanced Certificates: A post-baccalaureate certificate composed of graduate level coursework. Advanced certificate study is separate from that of study in preparation for a degree in that a student must apply separately for degree program study.

Certificates of Advanced Study: Post-master's certificate that permits students to further their knowledge through detailed study.

Policy Statements

A. Degree Programs

Admission to the graduate degree programs at Empire State University is selective. Criteria for admission includes:

- Documented completion of a bachelor's degree from a regionally accredited institution.
- Documented completion of a master's degree from a regionally accredited institution for doctoral degree consideration.

- An appropriate correlation between the candidate's objectives and the particular graduate program to which they are applying.
- Evidence of the candidate's preparation to pursue the subject matter and the ability to meet the academic demands of the program to which they are applying, including completion of any required prerequisites, entrance exams, and licenses.

The dean of the appropriate school, upon the recommendation of the graduate faculty, makes the final decision regarding admission.

B. Advanced Certificates

Criteria for admission includes:

- Documented completion of a bachelor's degree from a regionally accredited institution.
- Applicants to the advanced certificate programs will be admitted once all required application materials are submitted.

C. Certificates of Advanced Study

Criteria for admission includes:

- Documented completion of a master's degree from a regionally accredited institution.
- Additional documentation including any required licenses or entrance exams.
- Applicants to the certificate of advanced study programs will be admitted once all required application materials are submitted.

It is the policy of Empire State University, State University of New York, to provide equal opportunity in education and employment for all qualified persons and prohibit discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status.

Applicants must complete the admissions process within one year of submitting an application. After one year, any application materials received by the Admissions Office will be purged.

Applications must be completed and submitted by the published deadline in order to be considered for admission to an upcoming term unless extended by the appropriate school. All graduate programs are term based. Term options for initial enrollment are specific to the degree or certificate to which a student has been accepted (fall, spring, summer).

Admitted applicants may enroll initially in the graduate program within three calendar years from the date of admission. Those who wish to initiate enrollment after this time must reapply for admission.

An applicant who is denied admission may apply again (to any Empire State University graduate degree program) after a period of one year from the prior date of application. Applicants who wish to appeal denial of admission may do so in a letter to the dean or designee of the appropriate school.

ADMISSION PROCEDURE Graduate Degree Programs

It is the applicant's responsibility to gather supporting credentials and submit them to Admissions. Applicants should apply using the online applications (<http://www.sunyempire.edu/GradApply/>). A paper copy of the application(s) may be requested from the School for Graduate Studies. Once all applications materials are received by Admissions, the completed application will be sent to the School for Graduate Studies for review.

A complete application consists of the following:

1. Application Form
2. Official transcripts – Official undergraduate and graduate transcripts from all institutions attended are submitted to the Admissions office. Transcripts from a non-U.S. institution must be evaluated by a member organization of the National Association of Credential Evaluation Services (NACES). Empire State University graduates do not need to request a transcript. One will automatically be placed in their application folder.
3. Essays – Required essay(s) specific to the degree program.
4. Resume – A resume including previous experience, education, and other achievements.
5. Recommendations – Two letters of recommendation from appropriately qualified persons are required. Personal references are not acceptable. The School for Graduate Studies Recommendation Form must be used. Letters of recommendation may be attached to the form. Recommendations must be received in a sealed envelope with the recommender's signature across the seal.
6. English Language Proficiency – Applicants for whom English is not the first language must submit proof of proficiency. The School for Graduate Studies will accept the Test of English as a Foreign Language (TOEFL) or International English Language Testing System (IELTS) test scores taken within the last three years. You must score within the range of 79-94 on the TOEFL internet-based test (iBT), 250 on the computer-based test (CBT), 600 on the TOEFL paper-based test (PBT), or 6.5-7 on the IELTS to be considered for admission to the Empire State University graduate degree programs. Applicants, who have completed a bachelor's degree from a U.S. institution or from an institution where the instruction was given in English, may be exempt.
7. Entrance exams – Submit official score reports of required entrance exams (GRE, Miller's Analogies) for the Master of Arts in Teaching Program.
8. Orientation fee – \$50 nonrefundable.

Advanced Certificates

Applicants must apply using the online application (<http://www.sunyempire.edu/GradApply/>). A complete application consists of the following:

1. Application Form
2. Official transcripts – Official undergraduate transcript is submitted to the Admissions office. Transcripts from a non-U.S. institution must be evaluated by a member organization of NACES. Empire State University graduates do not need to request a transcript.
3. English Language Proficiency – Applicants for whom English is not the first language must submit proof of proficiency. The School for Graduate Studies will accept TOEFL or IELTS test scores taken within the last three years. You must score within the range of 79-94 on the TOEFL internet-based test (iBT), 250 on the computer-based test (CBT), 600 on the TOEFL paper-based test (PBT), or 6.5-7 on the IELTS to be considered for admission to the Empire State University advanced certificate programs. Applicants, who have completed a bachelor's degree from a U.S. institution or from an institution where the instruction was given in English, may be exempt.
4. Program fee – \$50 nonrefundable.

ADMISSIONS: APPEALING A DENIAL PROCEDURE

Applicants wishing to appeal an admission decision must do so in a letter to the dean of the School for Graduate Studies. The letter should indicate important qualifications, which the student feels they demonstrated

in their application, that show strong potential for success in graduate study. This reason alone can be used to appeal an admission decision. The appeal can request that the dean review the application or that the one-year waiting requirement be waived so the applicant can apply for the next available term. If the applicant feels they can develop a stronger application with more time, they should request a waiver of the time period. Requests for both will not be considered. Therefore, the applicant must specify whether they are appealing the decision or the waiting period for reapplication.

FRESH START POLICY

In certain circumstances, a graduate student who performed poorly in a previous matriculation may request a Fresh Start when matriculating in a new degree or certificate program. To be eligible for a fresh start, a student must be applying for, or matriculated in, a new graduate degree or certificate. A student must request a Fresh Start at the time of application or during the student's first term of enrollment in the new degree or certificate program from the appropriate school's dean, or designee. Approval of a Fresh Start is at the sole discretion of the dean, or designee. Additionally, the dean of the appropriate school, or designee, may at his or her sole discretion grant a Fresh Start at the time of reinstatement for students who are being reinstated into a degree or certificate program after an academic dismissal. It is important to note that the Fresh Start policy does not impact calculations for Satisfactory Academic Progress related to financial aid eligibility.

Appeals

An explanation of the appeals process is in the Academic Appeals Policy and Procedures.

UNIVERSITY NONDISCRIMINATION NOTICE & TITLE IX

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

The university's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Title IX Coordinator, Lindsay Holcomb, Empire State University, 1 Union Ave., Saratoga Springs NY 12866-4390; 800-847-3000, ext. 1009; TitleIX@sunyempire.edu. Inquiries also may be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip, 26th Floor, New York, NY 10005-2500; 646-428-3800; email OCR.NewYork@ed.gov.

PREFERRED/CHOSEN NAME POLICY

This policy recognizes that members of the SUNY Empire community may prefer to use names other than their legal names in order to identify themselves, and ensures that the preferred/chosen name of students and employees can and should be used when possible in the course of university business, communication, and/or education. This policy is limited to first names and not surnames or family names.

Definitions

Preferred/Chosen Name For the purpose of this policy, the name by which a student or employee wishes to be known that differs from a person's legal name.

Identification Card It is an identification document certifying the status of a student or employee.

Legal Name The name that an individual is given at birth and which appears on a birth certificate recognized by a government or other legal entity, or the name which appears on a marriage certificate or other government issued document (e.g. court order) on which a legal name change is recorded.

Student A student is a person who is enrolled at the university for the purpose of taking courses and/or working towards obtaining a degree. This can include a matriculated undergraduate, graduate, international, and non-degree seeking student.

Employees An employee is a person employed for wages or salary at SUNY Empire.

Statements

SUNY Empire acknowledges that a person's preferred/chosen name can and should be used when possible in the course of university business and education. At the university's discretion and as may be required by law, certain official correspondence will use a student or employees' legal name.

This policy applies to students and employees.

Prohibited uses of a Preferred Name

1. A preferred/chosen name shall not be used for the purpose of misidentification, misrepresentation, fraud, to avoid legal obligations, or in any other manner that violates University, SUNY, local, state or federal policy, law, rules or regulations, including the student conduct policy and all employee-related rules and policies. Violations of such policies, laws, rules or regulations shall be addressed through established procedures.
2. A preferred/chosen name may not include words, symbols or numbers or be otherwise prohibited under the law and/or university policy or procedure, including the student code of conduct.
3. A preferred/chosen name may not be a common derivative of the legal name (ex. Timothy to Tim)
4. The University reserves the right to reject the use of or remove from university administrative systems or documents any preferred/chosen name that it deems in its sole judgement to be in violation of this policy.

For employees, requests will be reviewed by the Office of Human Resources. For students, requests will be reviewed by the Office of the Registrar.

The university is obligated to use the legal name for many official records and reports, including, but not limited to, payroll records, billing records,

financial aid documents, official transcripts, medical records, enrollment reporting, and federal immigration documents.

This policy is consistent with current values and policies of SUNY Empire that protect students and employees against discrimination based on gender identity and expression, and align with state and federal regulations. This policy is drafted as a best practice for supporting transgender and gender non-conforming members of university communities. The ability to use one's chosen name is not limited to use by transgender and gender non-conforming students and employees, however, and is available to anyone who uses a chosen name on a daily basis other than their legal/primary first name.

Applicable Legislation and Regulations

The Gender Expression Non-Discrimination Act (GENDA) (<https://www.nysenate.gov/legislation/bills/2019/s1047/>)

Title IX of the United States

Related References, Policies, Procedures, Forms and Appendices Procedures

Students should log into Self Service Banner and complete the Preferred/Chosen Name request form.

Employees should reach out to the Office of Human Resources to request a preferred/chosen name.

Preferred/chosen name will appear in the following locations:

- Self-service Banner
- Learning Management System
- Email address/Office365
- DP Planner (excludes printed Degree Plans)
- PLA Planner
- Service Now

Students and employees who have registered a preferred name with the university can obtain ID card info through the Office of Safety and Security (<https://www.sunyempire.edu/safety-security/>).

While the preferred/chosen name will be on the front of the card, the legal name will be shown on the back. The first card for a preferred/chosen name change will be issued at no charge. Any card issued after this complementary card will be charged the normal replacement fee.

Additional Information

Adjusting the university's various information systems to include the use of the preferred name is a multiyear effort, due to the complexity and interrelated nature of systems and record sources. As we work toward developing a comprehensive process, you should not hesitate to request the addition of a preferred first name. You are also welcome to request a confidential consultation with a member of the registrar's staff.

For Students Appealing a Denial for a Preferred/Chosen Name

If a request for a preferred/chosen name was denied, a student can appeal the decision by email to TitleIX@sunyempire.edu. Please include any additional relevant information as to why the denial reason does not apply to this case.

BIAS CRIMES

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an

individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation or disability.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender.

If you are the victim of, or witness to, a hate/bias crime at a university location or event, report it to the appropriate local police agency. Since university services are delivered through locations across the state and the university does not have its own police force, we rely on local law enforcement to respond to reported crimes at our locations.

Reporting a Bias Crime to the University

After you have seen to your own and the victim's safety and well-being, you may need to report the incident to a university official. The university has procedures in place to facilitate reporting:

You may report the crime to the dean of the School for Graduate Studies, who will ensure that the proper individuals in the university are notified.

You also may report the incident to the Office of Safety and Security at the university's Coordinating Center in Saratoga Springs and:

- If the accused is a member of the university faculty or staff, in addition to filing a police report, report the crime to the Office of Human Resources at 518-587-2100, ext. 2240.
- If the accused is a student at the university, in addition to filing a police report, report the crime to the director of university-wide student services who can be reached at 518-587-2100, ext. 2463.

Bias Incidents

Bias incidents directed at a member of a group within Empire State University that does not rise to the level of a crime include bigotry, harassment or intimidation based on national origin, ethnicity, race, age, religion, gender, sexual orientation, gender identity, disability, veteran status, color, creed, victim of domestic violence or marital status. Such incidents may be addressed through the State University's Discrimination Complaint Procedure or the university's Student Conduct Policy and Procedures. Bias incidents can be reported to the Office of Safety and Security at 518-587-2100, ext. 2800, or by contacting the Title IX Coordinator:

Lindsay Holcomb
Title IX Coordinator
Office of Human Resources
Empire State University
1 Union Ave.
Saratoga Springs, NY 12866-4390
800-847-3000, ext. 1009
TitleIX@sunyempire.edu

Victims of bias crimes or incidents may seek counseling services from their own health care providers. The university has a counseling service that is available for assessment, short-term telephonic counseling, and crises. The counseling service provides assistance in locating face-to-face counseling for students in their local region if needed. The number for this service is 800-756-3124.

COMPUTER USE STATEMENT

Empire State University promotes student use of its online academic resources, online student support services, and the computing facilities

located at regional locations, and seeks to improve the computer literacy of its students. Every user is expected to adhere to the guidelines that follow to further these goals.

1. Receiving an account is a privilege extended only to the person assigned the account. Under no circumstances should anyone else be allowed to use the account. Users are expected to take all reasonable precautions to prevent unauthorized use of their account.
2. Unauthorized use of the Empire State University computer networks will lead to the termination of the user's account. Unauthorized use of university computers and computer accounts includes (but is not limited to):
 - a. Using any university computer or account for personal profit.
 - b. Using any university computer resources, online resources or accounts for other than academic or university purposes.
 - c. Attempting to interfere with the performance of any Empire State University computer or computer system.
 - d. Damaging any university computer hardware or software.
 - e. Accessing or attempting to access computer files or information belonging to another user without permission.
 - f. Interfering with or attempting to interfere with the legitimate work of another user on the university computer network.
 - g. Allowing someone else to use your Empire State University computer account.
 - h. The unauthorized copying of any Empire State University software or web page that is protected by copyright, patent or trade secret law.
 - i. Abusing specific computer resources, such as the Empire State University network or the internet.
 - j. Circumventing or attempting to circumvent Empire State University's computer system security.
 - k. Using any university computer or account for any activities that violate local, state or federal laws.
3. The university reserves the right to monitor or restrict computing activity on this system. The university is not responsible for loss of data or service interference resulting from efforts to maintain the university's computing facilities.
4. Students creating personal web pages on the university's servers must abide by the university's Technology Policies. (<http://www.sunyempire.edu/WebPolicy/>)

CONDUCT POLICY AND PROCEDURES

Policy Statement

The Student Conduct Policy sets behavioral standards for Empire State University students and defines the relationship between the university and its students. It affirms values essential to promoting individual intellectual and personal development and for creating an effective learning community. Empire State University expects students to conduct themselves in a responsible manner that is respectful of the rights, well being and property of all members of the university community and that supports the university's educational mission. This policy complies with section 6450 of the Educational Law and section 535 of the Rules of the Board of Trustees of the State University of New York.

Students are expected to:

- Treat students, faculty, and staff of the university with civility and respect;
- Represent themselves and any documentation that they may present to the university in an honest manner;
- Respect university property and the activities conducted at university facilities or university-sponsored events; and

- Uphold university policies, SUNY policies, and all applicable laws.

Empire State University students should expect the same degree of civility and respect from other students, faculty, and staff.

Scope

A student is a person admitted or enrolled at Empire State University. The university has an interest in student conduct, which occurs during a student's matriculation or enrollment at the university, including any breaks in enrollment permitted by university policy. Students are responsible for their own behavior and the behavior of their guests.

The university does not normally pursue alleged conduct violations that occur away from Empire State University facilities or events, or that are not associated with the student's relationship with Empire State University. However, in situations when the safety of members of the university community may be endangered, the university may review such violations pursuant to the policy on student conduct.

University Regulations

The following behaviors by a student, or any guest of a student, whether acting alone or with any other persons, violate the policy on student conduct:

1. Conduct that threatens or endangers the mental health, physical health or safety of any person or persons, or causes actual harm, including: *Physical harm or threat of physical harm such as physical abuse, sexual assault or coercion, harassment and intimidation, whether physical, verbal (oral or written) or nonverbal
2. Dishonest conduct not covered by the Empire State University Academic Honesty Policy and Procedures, including forgery, alteration, fabrication or misuse of identification cards, records, grades, diplomas, university documents or misrepresentation of any kind to a university office or official
3. Disorderly conduct that interferes with the rights of others
4. Intentional or reckless disruption or interference with the activities of the university or its members
5. Theft of personal or university property or services, or illegal possession or use of stolen property
6. Vandalism or intentional or reckless damage to personal or university property
7. Unauthorized entry, use, or occupation of university facilities or the unauthorized use or possession of university equipment
8. Illegal purchase, use, possession or distribution of alcohol, drugs or other controlled substances*
9. Failure/refusal to comply with a reasonable request from a university official acting within the scope of his or her duties
10. Unauthorized possession or use of firearms, explosive devices, fireworks, dangerous or illegal weapons, or hazardous materials
11. Interference with, or misuse of, fire alarms, elevators, or other safety and security equipment or programs, including, but not limited to, initiating, or causing to be initiated, any false report, warning or threat of fire, explosion, or other emergency
12. Violation of a condition or sanction imposed (or agreed upon) due to a violation of the policy on student conduct
13. Violation of any federal, state or local law that poses a threat to the health, safety or well being of the university or its individual members

* See *Empire State University Firearms policy*

Rights of the Parties

Students are entitled to equal care and fairness in the application of the policy on student conduct. A student accused of a breach of student conduct and others in the university community have equally important interests. Thus, the university takes into account the interests of all parties in order to reach a fair resolution.

1. Each party has the right to be informed of his or her rights through receipt of a copy of this policy.
2. Each party has the right to receive relevant information and documentation, including information that is favorable to the student accused of a violation or that may indicate that he or she may not be responsible.
3. Each party has the right to a meaningful opportunity to be heard and to respond to the information and documentation presented.

Consideration of Information

In both formal and informal investigations of complaints and concerns, the university may review and consider relevant information about prior complaints and their outcomes and informal steps toward changing the behavior. The university will not include information about conduct complaints for which a student was found not responsible.

Interim Suspension

1. Interim suspension is used only in the following circumstances:
 - To ensure the safety and well-being of members of the community or preservation of university property; or
 - To ensure the student's own physical or emotional safety and well-being;
 If the student poses a definite threat of disruption of, or interference with, the normal operations of the university.
2. The dean or provost's designee may place a student on interim suspension upon making a determination that such an action is necessary to maintain safety and order. The dean or provost's designee normally consults with the provost and/or judicial officer before taking such action. The interim suspension remains in effect until responsibility and sanctions have been determined and any appeals have been resolved.
3. Upon placing the student on interim suspension, the dean or provost's designee immediately forwards a formal complaint to the judicial officer. Consequently, the dean or provost's designee is a party to the complaint.
4. The judicial officer assembles a Student Conduct Committee as outlined, and conducts the hearing within 15 calendar days of the notice to the student of the interim suspension.
5. A student placed on interim suspension may request reconsideration in writing to the dean or provost's designee. The student must provide evidence that he or she is not a risk to safety and order. The dean or provost's designee reviews the request and considers the information the student provides. If the dean or provost's designee reconsiders and sustains the suspension, the student may appeal to the provost.

Informal Resolution

Location, program, and functional staff (Financial Aid, Student Accounts, Business Services, Admissions, etc.) are expected to resolve issues around student behavior informally through discussion and advisement before moving to formal complaints. Any resolution reached through this process is binding. Staff summarize in writing both informal resolutions reached with a student, as well as attempts to resolve issues informally and send that summary to the student and any other relevant parties. In some cases, it is appropriate to move directly to a formal complaint.

Formal Complaints

The Office of Academic Affairs is responsible for administering formal student conduct procedures. A staff member within the Office of Academic Affairs serves as the university's judicial officer.

The university uses the procedures that follow only if there is a formal allegation of a breach of student conduct as defined in this policy. The procedures support investigation of alleged misconduct and hearings are an extension of that investigation and not trials.

The university's standard for finding a student responsible for a violation of the policy on student conduct is that there is a preponderance of evidence supporting the complaint.

There are three possible formal sanctions. The sanctions of expulsion and suspension result in a loss of good standing with the university. Repeated violations may be a basis for determining that a sanction of suspension or expulsion from the university is warranted.

Expulsion: A student who is expelled from the university for disciplinary reasons is permanently excluded from all university activities, functions, facilities, and buildings, and may not use any university resources.

Suspension: A student who is suspended from the university is excluded from all university activities, functions, facilities, and buildings, and may not use any university resources for the period of the suspension. The student is restored to good standing at the end of the suspension period.

Written Warning: A written warning describes the breach of conduct and directs the student not to repeat the conduct in question. A written warning indicates that the student has damaged his or her relationship with the university, but does not carry a loss of good standing. A written warning issued for a breach of conduct will be reviewed when considering any future breaches of conduct.

A suspension or written warning may be accompanied by restrictions on the use of specific university resources or facilities (e.g., use of computer resources). A restriction may be temporary or permanent. Information defining such restrictions must be included in the written notice to the student.

In addition to the sanctions specified above, the university may require the student to make restitution or compensate for any loss, damage or injury.

Procedures

Formal Complaint

Any member of the university community may file a complaint alleging a breach of student conduct. The complainant(s) submits a signed, written complaint to the judicial officer within 30 calendar days of the occurrence of the event or discovery thereof. The complaint must describe the alleged violation and include any available documentation/information. The complaint may include information about previous behavior that demonstrates a recurrent pattern of behavior that is relevant to the current conduct violation. In the initial review (described below), the judicial officer determines if the university will charge the accused with a violation of the conduct policy.

Given the role of the judicial officer in resolving behavioral concerns, the judicial officer is often aware of the full range of a student's behavior across the university and may be the most knowledgeable. Consequently, the judicial officer may initiate formal proceedings based on his or her knowledge of the student's behavior. If there is a conflict of interest the

judicial officer may excuse himself or herself and the provost will appoint an alternate judicial officer.

Initial Review

The judicial officer first determines if there are grounds for the allegation and whether the allegation falls within the scope of the policy on student conduct.

1. If the judicial officer determines that the allegation is groundless or the alleged violation does not fall within the scope of this policy, the judicial officer so notifies the complainant in writing.
2. If the judicial officer determines the allegation falls within the scope of this policy, he or she determines whether a formal or informal process should be followed. If the judicial officer decides that a formal process is required, then the judicial officer charges the student with a violation of the Student Conduct Policy.

Informal Resolution

The judicial officer may address the concern through discussion with the student or other appropriate means and make an effort to resolve the matter informally. The formal process is followed if the judicial officer determines that the informal process is insufficient or inappropriate.

Formal Process

1. If the judicial officer determines that the alleged violation does not potentially warrant a sanction of suspension or expulsion from the university, but still warrants formal action, the next step is a review conference with the student.
2. If the judicial officer determines that the alleged violation is serious enough to potentially warrant a sanction of suspension or expulsion from the university, the next step is referral to the Student Conduct Committee for a hearing. Repeated violations may be a basis for determining that a referral must be made to the Student Conduct Committee.

In any case, the judicial officer notifies the student in writing within 15 calendar days of receipt of the complaint. The written notice indicates who filed the complaint, summarizes the student's alleged violation of university policy and the nature of the information and documentation presented against the student, and includes a copy of the policy on student conduct. The written notice also indicates whether the next step is a discussion, a review conference or referral to the Student Conduct Committee for a hearing.

Review Conference

1. The review conference includes the judicial officer and the student who has been charged with a violation and may take the form of a meeting, phone conference or video conference. The conference usually takes place within 15 calendar days of the written notice to the student.
2. In the review conference, the judicial officer reviews the allegation and the university's policy on student conduct with the student and gives the student an opportunity to respond. The judicial officer may consult with others, as he or she deems necessary.
3. The judicial officer makes a determination about the allegation and may:
 - a. Determine that the student is not responsible;
 - b. Determine that the student is responsible and resolve the issue administratively by mutual consent of the parties in a way that is acceptable to the judicial officer;
 - c. Redefine the alleged violation as potentially warranting a sanction of suspension or expulsion from the university, and refer the case to the Student Conduct Committee for a hearing;

- d. Determine that the student is responsible for a violation for which a written warning is appropriate. In this case, the administrator may impose the sanction of a written warning.
4. The judicial officer provides a written summary of the issue and its disposition to the student, the complainant, and the student's home location or program dean, and maintains a copy for the university's records.
5. The judicial officer copies all correspondence arising from the review conference to the student's home dean, the provost/ VPAA, and to relevant parties as appropriate.
6. The judicial officer is responsible for producing and maintaining an accurate record of the review conference.

Student Conduct Committee

1. A Student Conduct Committee (SCC) considers alleged violations of the policy on student conduct that may warrant a sanction of suspension or expulsion from the university.
2. A SCC consists of three members, at least one Empire State University faculty member, one student service professional, and, if possible, one Empire State University student. If a student is not available another faculty member will be added. The Office of Academic Affairs establishes and maintains a list of faculty and student service professionals trained to conduct hearings. One member of the group of trained faculty and professionals serves as convener.
3. The judicial officer identifies a conduct committee for a particular case and establishes a faculty or staff member of the committee as the hearing officer.
4. If a member of the SCC is a party to a complaint or has a conflict of interest, he or she excuses himself or herself. The judicial officer identifies a substitute member who is not involved in the case replaces the original member.

Student Conduct Hearing

1. A SCC hearing takes place within 30 calendar days of the referral, not counting university no-appointment periods. The hearing may take the form of a meeting, conference call or video conference, at the discretion of the SCC.
2. The SCC is responsible for conducting a fair hearing of the facts and relevant information.
3. The hearing officer is responsible for procedural decisions, correspondence, and coordinating and chairing the hearing.
4. The judicial officer serves as advisor to the hearing officer; either may designate additional staff support for the hearing.
5. Each party has the right to have an advisor at a SCC hearing, but advisors may not question witnesses, address the SCC or participate directly in the hearing.
6. Each party has the right to refuse to answer questions.
7. The hearing officer must require all witnesses to swear or affirm that the information they provide will be truthful.
8. A single, verbatim record (e.g., transcript or recording) is made of the hearing. It, and any copies made for safekeeping, remain the property of the university. The university provides supervised, post-hearing access to the record, but does not provide copies to the parties.
9. The SCC is responsible for obtaining and reviewing any supporting documentation it deems necessary from the student, the complainant, and/or others.
10. Following the hearing, the SCC deliberates in closed session.

11. The SCC is responsible for determining whether the student violated the policy on student conduct and for determining an appropriate sanction. The SCC may:
 - a. Determine that the student is not responsible;
 - b. Determine that a violation has occurred which does not warrant even a written warning sanction, and refer the case back to the judicial officer for resolution through a review conference;
 - c. Determine that the student has violated the policy on student conduct and decide on a sanction of expulsion, suspension, or written warning. Since alleged violations are referred to the SCC only when a sanction of suspension or expulsion from the university is potentially warranted, an SCC finding of misconduct normally results in a decision for either of those two sanctions. However, the SCC may decide upon the lesser sanction of a written warning.
12. The SCC transmits its written decision and rationale to the student, the complainant, the student's home location or program dean, and the judicial officer within 15 calendar days of the hearing. The SCC also transmits the verbatim record of the hearing session to the judicial officer within 15 calendar days of the hearing.

Sanctions and Imposition of Sanctions

The judicial officer is responsible for implementing any sanction for misconduct within seven calendar days of the SCC decision. The judicial officer provides a written notice to the student, the complainant, and the dean of the student's home location or program, and maintains a copy for the university's records.

Appeals

1. The student has the right to appeal a decision by the judicial officer or by the SCC to the provost/vice president for academic affairs. Such appeals are not a rehearing of the complaint; rather, they provide a safeguard against errors or unfairness. The student may appeal the determination of responsibility, the sanction or both.
2. Appeals are considered on one or more of the following grounds:
 - a. Significant new information not available at the time of the hearing/decision;
 - b. Information/documentation presented at the hearing/ decision that was disregarded;
 - c. Substantive procedural violation that may have altered the outcome of the hearing/decision; or
 - d. Imposition of an unreasonable sanction.
3. The student must submit any appeal in writing to the provost/ vice president for academic affairs (provost/VPAA) within 30 calendar days of transmittal of the decision and must include an explanation or justification for the appeal.
4. The provost/VPAA notifies other parties in the case within seven calendar days of receipt of an appeal. Those parties normally provide any written response within 15 calendar days. The provost/VPAA normally provides a written decision and rationale within seven calendar days of receipt of responses to the appeal. The provost/ VPAA's decision is final.
5. If the student files a timely appeal, no sanction is imposed until the provost/VPAA renders a decision, except that an interim suspension imposed to maintain safety and order remains in effect.

Maintaining Records

The Office of Academic Affairs maintains judicial records for five years from the date of last enrollment or graduation date, whichever is later, except in cases resulting in suspension or expulsion, in which case the record is maintained indefinitely. If a student matriculates into another program at Empire State University, the record remains active.

Review of Policies and Procedures

Changes to this policy are subject to approval by the appropriate governance bodies, the university president, and the University Council. The provost/vice president for academic affairs approves procedural changes.

Revised: 2006

Approved: May 2002

Revision Approved by Senate: September 2008

Revision Approved by the College Council: December 2008

COPYRIGHTED MATERIALS: THEIR REPRODUCTION AND USE

Use of Copyrighted Materials

Empire State University complies with the U.S. Copyright Act of 1976 and the Digital Millennium Copyright Act of 1998.

The university respects the intellectual property rights of those who create and/or publish original works of authorship in any tangible medium of expression, whether physical or digital media, and regardless of format or genre. The university, therefore, authorizes use of copyrighted materials only under the following conditions:

- When permission is obtained from the copyright owner; or
- When reproduction, dissemination, creation of derivative works, performance or display of copyrighted materials falls within Fair Use guidelines, which are explained on the library's copyright website (<http://www.sunyempire.edu/library/>); or
- When performance or display of copyrighted materials in a face-to-face classroom environment falls within Educational Use guidelines.

The library has answers to questions about Fair Use, Educational Use, the Digital Millennium Copyright Act and when it is necessary to get permission to use a copyrighted work. **The librarians cannot obtain copyright permission on behalf of faculty, staff, or students, and are not qualified to give legal advice.** The bookstore manager can provide information on how to obtain permission.

Using Copyrighted Works Online

Reproduction, dissemination, performance, display, and creation of derivative works from copyrighted works **may be** permitted under the Fair Use Exemption of the Copyright Act of 1976, if it passes the Four Factor Test.

Neither the nonprofit status of the university nor the educational nature of the endeavor are sufficient to automatically judge something Fair Use. There is no set guideline for number of words, number of pages or percentage of a total work that can be used.

It should be noted that the online environment reduces or eliminates barriers to unauthorized copying and redistribution of copyrighted works, which means that an online use is less likely to be a Fair Use than the same kind of use in a physical environment. The presence of password protection and/or digital rights management technologies **may not be** sufficient to consider the use a Fair Use.

In order to decide if a use is Fair Use, the library provides a downloadable worksheet on its website (<http://www.sunyempire.edu/library/>). You should fill it out in order to help make your decision, and then save the completed worksheet as proof of your good-faith effort to comply with the law.

Making Copies in a Face-to-Face Classroom Setting

Making photocopies or other reproductions of copyrighted works to be distributed to students in a face-to-face classroom **may be** permitted under the Fair Use Exemption of the Copyright Act of 1976, if it passes the Four Factor Test.

Neither the nonprofit status of the university nor the educational natures of the endeavor are sufficient to automatically judge something Fair Use. There is no set guideline for number of words, number of pages or percentage of a total work that can be used.

In order to decide if a use is Fair Use, the library provides a downloadable worksheet in its website (<http://www.sunyempire.edu/library/>). You should fill it out in order to help make your decision, and then save the completed worksheet as proof of your good-faith effort to comply with the law.

Performance and Display in a Face-to-Face Classroom Setting

Performance and/or display of copyrighted works in a face-to-face classroom is permitted by the Educational Use Exemption of the Copyright Act of 1976.

There are certain restrictions: The university must be accredited and not for profit; the use must be part of teaching and learning, not for entertainment, extracurricular activities, or other university business.

As long as those requirements are met, the Educational Use Exemption allows the instructor and/or students to perform musical works, poems, plays, or speeches; others to come into the classroom to perform musical works, poems, plays, or speeches; display of images, whether in physical or digital media; and playback of audio or video recordings of any kind.

For Copyright Information and Help, Consult the Library

Information on copyright can be found on the Library's copyright information (<http://www.sunyempire.edu/Copyright/>) pages. Copyright questions can be directed to Librarian@sunyempire.edu.

CROSS REGISTRATION AT OTHER INSTITUTIONS

Empire State University students may cross register at other institutions. This option expands the variety of learning resources available. For cross registration, a course must be taken for academic credit at a college or university that is accredited or a candidate for accreditation by a recognized regional accrediting agency.

A graduate student may transfer, cross register, and/or earn evaluated credit for up to a combined total of 12 credits into a master's program in the School for Graduate Studies, or 9 credits into a master's program in the School of Nursing, and 3 credits into a certificate program in either school. A student may satisfy no more than a combined total of 50% of the credits toward a graduate certificate or degree program using transfer, cross registration, evaluated credit (e.g., prior learning assessment or direct assessment), and shared credits from a previously awarded graduate credential at the same level combined. Schools and individual programs may set lower limits for transfer, cross registration, and evaluated credit. See the Graduate Catalog for individual program limits.

For study taken through cross registration at another institution, the learning contract must document the name of the other institution, the course number, and the minimum acceptable grade for the credit award at Empire State University (at the undergraduate level: C or better; at the graduate level: B or better).

The amount of credit to be earned for a cross-registered course must be expressed in semester hours on the Empire State University enrollment documents.

The student must request that the other institution send an official (institution-to-institution) transcript to Empire State University. The contract evaluation or learning contract outcome should refer to the outcome reported on the official transcript. The Office of the Registrar retains the official transcript in the student's file.

The start date of a cross registered course must fall within the same financial aid term (fall, spring, or summer) as all other components in the Empire State University enrollment.

To cross register, the student must enroll for the course through an Empire State University learning contract proposal (registration) approved by the mentor. The mentor submits an Empire State University learning contract for the course.

The student also must follow local cross-registration procedures. These depend on the type of host institution or on specific arrangements between Empire State University and the host institution.

Empire State University allows tuition adjustments for cross registrations. Procedures depend on the type of host institution or on specific arrangements between Empire State University and the host institution.

The student should contact the Empire State University center or program for information on cross registration and tuition adjustment procedures.

RIGHTS OF STUDENTS WITH DISABILITIES POLICY Policy

Empire State University complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. These acts provide that "...no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (29 USC Sect. 706)." Regulations implementing Section 504 and ADA establish standards for employment practice, accessibility of facilities, and education programs with which institutions receiving federal funds must comply (34 CFR Part 104).

In accordance with these regulations, a qualified person with a disability who meets the academic and technical standards required to enroll in and participate in the Empire State University program shall be provided an equal opportunity to obtain a degree in the most integrated setting appropriate to that person's needs. Empire State University makes reasonable accommodation to meet the needs of students with disabilities. Reasonable accommodation does not include academic adjustments that would fundamentally alter the nature, essential requirements or academic standards of the program.

The university considers each student's individual needs and requests for accommodations are handled by the Office of Accessibility Resources and Services.

The director of Accessibility Resources and Services, coordinates the university's compliance with Section 504, ADA and their implementing regulations with respect to students. Questions concerning the university's policy should be directed to the director of Accessibility Resources and Services, Empire State University, 113 West Ave.,

Saratoga Springs, NY 12866-4390, 518-587-2100, ext. 2244 or email Disability.Services@sunyempire.edu.

Procedure for Students With Disabilities Requesting Reasonable Accommodations

Empire State University provides educational services through regional enrollment centers throughout New York state. Students with disabling conditions may work out informal accommodations with their mentors/tutors/advisors. To make a formal declaration of disability and request, a student may contact the region's disability representative (see A below).

A. Requesting Accommodations

1. The student may first contact the disability representative for his/her region or the disability specialist in the Office of Accessibility Resources and Services. A list of the disability representatives and their contact information can be found on the Accessibility Resources and Services website (<https://www.sunyempire.edu/accessibility/>).
2. The student completes the Disability Declaration and Request for Accommodation form (available from a disability representative or on the Accessibility Resources and Services website, forms page (<https://www.sunyempire.edu/accessibility/forms/>)) to provide information about his or her disability and request accommodations. The student does not need to provide documentation of the disability at this stage.
3. The disability services staff review the request and determine appropriate accommodations, consulting with the dean, the student's mentor, and other faculty and staff as needed.
4. The student, his/her primary mentor, other mentors, tutors or instructors the student is studying with and the disability representative are notified of the approved accommodations. The student contacts his/her mentors or tutors to discuss implementing the approved accommodations.

B. ADA Grievances or Appeals

Students who wish to file a complaint about their treatment at the university or the determination of their accommodation request are welcome to do so. Internally, students may access the university's Student Grievance Procedure to do so.

1. Informal resolution

The student is strongly encouraged to seek informal resolution of a grievance by bringing it to the attention of the relevant center, program or central office administrator in a timely fashion. An attempt at informal resolution should begin no more than 30 days after the concern arises.
2. Written Grievance

If the student is unsatisfied with the response, the student may make a formal, written complaint to the relevant administrator.

 - a. Any formal complaint must be submitted within 60 days of the concern arising. The student must state the nature of the grievance and the remedy s/he is seeking and describe any previous attempts to resolve the issue.
 - b. The administrator reviews the situation and should provide a written response within 15 days of receiving the complaint.
3. Appeal

If the student is unsatisfied with the first level of administrative response, the student may appeal in writing to the appropriate Vice President.

- a. Appeals regarding academic services are to be submitted to the Vice President for Academic Affairs. Appeals regarding financial issues are to be submitted to the Vice President for Administration.
- b. Any appeal must be submitted within 30 days of the transmission of the first level administrative response. The student must state the nature of the justification for the appeal and describe any previous attempts to resolve the issue.
- c. The Vice President reviews the situation and should provide a written response within 15 days of receiving the appeal. The Vice President's decision is final.

EMPIRE STATE UNIVERSITY NAME, SEAL, AND LOGO/WORDMARK Use of University Name and Wordmark

The Empire State University name, symbols, logo, and wordmark are protected trademarks of Empire State University. It is the policy of the university to permit the use of these trademarks by locations, Coordinating Center offices, and alumni student associations for purposes of public relations and fundraising, where the proceeds benefit the university and its students. Notwithstanding such policy, the university reserves its right, at its sole discretion, to revoke or restrict use of its trademarks for commercial purposes and in any other circumstances.

Any group wishing to use the trademark(s) must receive written permission from the Office of Communications. Such permission will set forth the name of the group, the nature of the use, and restrictions regarding the standards and quality of the goods and services in connection with which the trademark(s) are used.

The university reserves the right to approve samples showing the proposed use of the trademarked product or service prior to production and distribution.

The Empire State University trademarks should not be used in any manner suggesting advocacy or official position of the university regarding any issues including, but not limited to, political issues.

For further information to use the Empire State University trademarks, contact the Office of Communications at 518-587-2100, ext. 2494.

Approved: Sept. 1, 1992.

GRADUATE EVALUATION AND GRADING POLICY

Empire State University features student-centered, mentored learning in all of its modes of study, from guided independent study to residency-based courses and online or blended courses. Regardless of the method of study:

- The learning experience effectively supports the student's active engagement with the subject of study.
- The course instructor guides, responds to and evaluates students throughout the learning experience.
- In independent studies, evaluation procedures are targeted to the needs of the particular individualized study.

Learning Contract/Syllabus

The learning contract or syllabus defines the learning objectives of the course, the learning activities to be completed, and the methods and criteria for evaluating the student's performance. A well-designed learning

contract/syllabus lays the foundation for effective student evaluation by clearly outlining learning objectives and activities and methods and criteria for evaluation. The course instructor evaluates the student's work in light of these elements throughout the learning experience. Thus, the course instructor's feedback to the student is rooted in the learning contract/syllabus itself and occurs throughout the course.

Evaluation

Grades issued at Empire State University document students' academic growth. At the same time, students need to meet the minimum performance standards established for each course, for credit to be awarded. To support student achievement, ESC faculty may afford students opportunities to revise work during a course in order to meet performance standards at the minimum or a higher level. Nevertheless, a student who works hard and shows progress, and is still not able to meet the stated criteria for evaluation, does not earn graduate credit.

Grades

The university uses a 4.00 grading scale. The grade assigned to a graduate course completed at Empire State University may be any of the following:

Grade	Quality Point	Meaning
A	4.00	Performance is above expectations
A-	3.67	Performance is above expectations
B+	3.33	Performance meets expectations
B	3.00	Performance meets expectations
B-	2.67	Performance is below expectations
C+	2.33	Performance is below expectations
C	2.00	Performance is below expectations
F	0.00	Performance does not meet minimum requirements

Pass (P):

- This grade is awarded for specific courses in which the student has performed at the B or better level.

No Pass (NP):

- This grade is awarded for specific courses in which the student has performed at the B- or lower level.
- NP does not count as credit earned and therefore may negatively impact satisfactory academic progress. Please refer to the Graduate Satisfactory Academic Progress Policy.

Incomplete (IN):

- When extenuating circumstances arise, a student may request an outcome of incomplete (IN) from the course instructor. The course instructor may submit an incomplete only when the student has consistently engaged in learning activities and has successfully completed at least 50 percent of the work before

the end of the term. The course instructor is not obligated to grant an incomplete.

- A student who receives an IN grade must complete the course within 15 weeks of the end date of the term, or earlier if the course instructor has specified an earlier completion date.
- If the course is not completed within the Incomplete period, the IN automatically converts to F.
- IN does not count as credit earned and therefore may negatively impact satisfactory academic progress. Please refer to the Graduate Satisfactory Academic Progress policy.

Administrative Withdrawal (ZW):

- If a student registers for a course, does not withdraw, and does not engage in significant learning activities throughout the term, the course instructor submits a grade of administrative withdrawal (ZW).
- ZW does not count as credit earned and therefore may negatively impact satisfactory academic progress. Please refer to the Graduate Satisfactory Academic Progress policy.

Withdrawal (WD):

- A withdrawal (WD) is initiated by the student status.
- A student may withdraw from a course on or before the end of the 10th week of a 15-week term or the end of the 5th week of an eight-week term.

Evaluated Credit (EV):

- In master's programs that provide an opportunity for assessment, an EV denotes credit awarded through the assessment process.

Grades of NP, IN, ZW, WD, and F have specific implications for financial aid eligibility. For an explanation, see the Empire State University Statements on Eligibility for New York State Financial Aid and Federal Financial Aid.

Grade Point Average (GPA) Calculation Graduate Cumulative GPA

- Is based on graduate level courses enrolled in at Empire State University;
- Includes courses regardless of program and matriculation status;
- Does not include transfer credit or credit awarded through assessment; and is
- Based only on Empire State University courses in which a letter grade is assigned.

Graduate Program GPA

- Is based on courses in the active academic program(s) and calculated by the active program (e.g., advanced certificate or degree);
- Based only on courses enrolled in at Empire State University that are a part of the active academic program(s);
- Does not include transfer credit or credit awarded through assessment;
- Based only on Empire State University courses in which a letter grade is assigned; and
- Is used to determine recommendation for graduation.

The following letter grades are included in the GPA:

Grade	Quality Points
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
F	0.00

Repeated Courses

A student may repeat a graduate course only once. When a student repeats a course, the highest grade will be used for purposes of the calculation of a grade point average. Grades of IN, ZW, and WD do not replace the original grade in the calculation of the grade point average. The original course remains a part of the transcript. Note that both the original and the repeated course must still be included in the satisfactory academic progress calculation. Since a course can only be repeated once, if a student is not successful when attempting to repeat a required course, the student is dismissed from her/his academic program.

Minimum Grade Point Average Requirement

Empire State University graduate students must maintain a program GPA of at least 3.00. A program GPA of at least 3.00 is a requirement for graduation.

Master of Arts in Teaching students must maintain a program GPA of at least 3.00 in order to be recommended for and maintain NYS transitional B certification.

Please refer to the Graduate Academic Standing Policy for details regarding warning and dismissal.

Procedure for Retroactive Assignment of Grades

Prior to July 1, 2007, the university provided narrative evaluations without grades. On occasion, a student who received narrative evaluations would later request that the university assign grades to the narratives. When such a request was received, the university, where possible, added grades to the narratives.

For students matriculated in a graduate program at Empire State University before July 1, 2007, the university will continue to respond to student requests, consistent with the procedure detailed below. For students who re-matriculate after that date, there will be no later assignment of letter grades to narrative evaluations.

The procedure for retroactive assignment of grades is as follows:

1. For each Empire State University course for which the original course instructor is available, the course instructor is responsible for assigning a grade based on the contract evaluation and the instructor's records and recollection of the student's work in the course. If the course instructor is no longer available, or if the course instructor is not able to make a letter grade judgment, no grade is assigned. In exceptional circumstances, this procedure cannot fully meet a student's needs. In such a case, the dean of the appropriate school consults the provost on appropriate alternatives.
2. The dean of the appropriate school forwards the grades to the university registrar.
3. The registrar adds the grades to the narrative evaluations, and thereby includes them in the student's official transcript.

Appeal of Grades

A student may appeal a grade as provided in the Student Academic Appeals Policy.

Effective date: 9/1/2019

Review date: 9/1/2022

GRADUATE MEDICAL OR COMPASSIONATE WITHDRAWAL POLICY

This policy identifies conditions under which a student may receive a medical or compassionate withdrawal from graduate courses.

A student who experiences a serious and unexpected medical issue or has an immediate family member die or experience a serious and unexpected medical issue that prevents the student from completing their coursework may request a medical or compassionate withdrawal from the dean, or designee, of the appropriate school. Medical or compassionate withdrawal requests must be made during the term of enrollment. They may not be requested or granted retroactively after the last day of a term. Requests for medical or compassionate withdrawals should be supported by appropriate medical or other documentation. Medical or compassionate withdrawals are granted at the sole discretion of the dean, or designee. Courses from which a student is medically or compassionately withdrawn do not count toward attempted courses for the purposes of the Course Repeat Limit. It is important to note that a medical or compassionate withdrawal does not exclude courses from the Satisfactory Academic Progress calculations for financial aid eligibility.

Appeals

An explanation of the appeals process is in the Academic Appeals Policy and Procedures.

GRADUATE STUDENTS ENROLLING IN UNDERGRADUATE COURSES

Occasionally, a graduate student needs to enroll in an undergraduate course to fulfill a prerequisite or deficiency. If the student has not yet been accepted into the graduate program at the university, the student should enroll as a non-matriculated undergraduate student. If the graduate student has been accepted into the graduate program, then he or she can enroll in the undergraduate course during the regular registration period. Before enrolling, the student should consult with his/her academic advisor to make sure that the undergraduate course is appropriate. It is important to note that graduate students enrolling in undergraduate courses are charged graduate-level tuition and fees.

As a general rule, students needing to fulfill prerequisite requirements, or with more than one deficiency, should be advised to enroll as non-matriculated undergraduates and the Financial Aid office should be notified. Once documented, the Financial Aid office can process fifth-year undergraduate loans, if eligible, for these students leaving the graduate loans for the graduate enrollments. If the student has been accepted into the graduate program and must enroll in graduate courses and undergraduate courses at the same time, graduate aid will cover the undergraduate course if it is required for the student's graduate program, (prerequisite or deficiency) and the student is enrolled in at least 5 credits of graduate coursework. Therefore, as a general rule, students enrolling in an undergraduate course that is not a requirement for his or her graduate program will not be eligible for aid. Since the preceding statements are just generalities, students should contact the Financial Aid office directly for confirmation of their aid status.

GRADUATE SUBSEQUENT PROGRAMS AT THE SAME CREDENTIAL TYPE POLICY

Definitions

Degree Program: Academic program in which the end result is a graduate degree. This definition applies to degrees at the doctoral and master's level.

Advanced Certificate: A post-baccalaureate certificate composed of graduate level coursework. Advanced certificate study is separate from that of study in preparation for a degree in that a student must apply separately for degree program study.

Certificates of Advanced Study: Post-master's certificate that permits students to further their knowledge through detailed study.

Policy Statements

Students who have completed a degree program, advanced certificate, or certificate of advanced study and are accepted into a subsequent graduate program of the same credential type (e.g., master's degree/master's degree or advanced certificate/advanced certificate) must follow the requirements below:

- Students can only be active in one program at the same credential type at a time. The completion of a subsequent program at the same type must be done sequentially, not concurrently.
- No more than 50% of the credits toward a subsequent program at the same credential type may have been used to fulfill the requirements of the first program at the same credential type. Schools and individual programs may set lower limits. See the graduate catalog for individual program limits.
- Students cannot use credits older than 6 years in the subsequent program. The age of the credit is determined by the term of enrollment.
- Evaluated credit earned in the any prior program may not be used in any subsequent programs.
- Transfer credit used in the any prior program may not be used in any subsequent programs.

Students may appeal any decision made about the use of credit in a subsequent graduate program in accordance with the Student Academic Appeals Policy and Procedure.

See the Graduate Transfer, Cross-Registration, and Evaluated Credit Policy for specific rules on the use of transfer, cross-registration, and evaluated credit to meet advanced certificate, degree program, and certificate of advanced study requirements.

GRIEVANCE PROCEDURE

A grievance differs from an appeal of an academic decision, as it deals with service issues and not the actual outcomes of course work. A student may file a grievance in the cases of an unresolved difference or dispute between themselves and the university (office or individual) related to services rendered or non-academic decisions. The policy covers matters outside the scope of other policies of the university.

Complaints about sexual harassment and discrimination based upon protected class are addressed via the *Discrimination Complaint Procedure*; complaints about services related to disabilities are addressed through *Rights of Students with Disabilities Policy*, complaints about student behavior are addressed through the *Student Conduct Policy and Procedures* and student academic appeals including grading are addressed through *Student Academic Appeals Policy and Procedures*.

In cases where service issues underlie a disagreement about an academic evaluation, the service issue will be investigated and decided first.

Informal Resolution

The student is strongly encouraged to seek informal resolution of a grievance by bringing it to the attention of the relevant individual, administrator or office. An attempt at informal resolution should begin no more than 20 business days after the service or decision is rendered.

Formal Grievance

If the student is unsatisfied with the response, the student may make a formal, written grievance to the relevant administrator.

The student must submit any formal grievance within 40 business days after the service or decision is rendered. The student must state the nature of the grievance and the remedy she/he is seeking and describe any previous attempts to resolve the issue grievance.

The administrator reviews the situation and should provide a written response, including appeal information within 15 days of receiving the complaint, copying the primary mentor/academic advisor. Students will be informed if extenuating circumstances require additional time.

Appeal of Formal Grievance Decision

If the student is unsatisfied with the formal grievance decision, the student may appeal in writing to the appropriate vice president, provost or designee.

Any appeal must be submitted within 20 business days of the transmission of the formal grievance decision. The student must state the nature of the justification for the appeal.

The vice president, provost or designee reviews the grievance and should provide a written response within 15 days of receiving the appeal. This decision is final.

HUMAN RESEARCH SUBJECTS

Protection of Human Research Subjects

Empire State University acknowledges and accepts its responsibility for protecting the rights and welfare of human subjects of research and will comply with the Department of Health and Human Services regulations (including 45 CFR 46) and New York State Department of Health Regulations for the protection of human subjects. The university has adopted and will abide by the ethical principles set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavior Research titled, "Ethical Principles and Guidelines for the Protection of Human Subjects of Research" (the Belmont Report). The university will exercise appropriate administrative overview, carried out at least annually, to ensure that its practices and procedures designed for the protection of human subjects are in compliance and effectively applied.

All research involving human subjects will be reviewed and approved by an Institutional Review Board, which has been established under this assurance of compliance, regardless of the source of funding. The involvement of human subjects in research covered by this policy will not be permitted until the IRB has reviewed and approved the research and informed consent has been obtained. If the only involvement of human subjects will be in one or more of the categories exempted or waived from review by the federal Office for Human Research Protections, the expedited review process shall be undertaken as required under present New York state law.

This policy is applicable to all activities, in which whole or in part, involve research with human subjects if:

1. The research is sponsored by the university;
2. The research is conducted by, or under the direction of, any employee or agent of the university in connection with his or her institutional responsibilities, or uses any property or facility of the university;
3. The research involves the use of the university's nonpublic information to identify or contact human research subjects or prospective subjects.

INCOMPLETE PROCEDURE

When extenuating circumstances arise, a student may request an outcome of incomplete (IN) from the course instructor. The course instructor may grant an incomplete only when the student has consistently engaged in learning activities and has successfully completed at least 50 percent of the work before the end of the term. The course instructor is not obligated to grant an incomplete.

If a student is awarded an IN outcome, the maximum incomplete period is 15 weeks after the end date of the term. The course instructor may, however, establish an earlier completion date.

It is important to note the following regarding IN outcomes:

- An incomplete period will include the break period between terms but exclude any no appointment periods.
- An IN outcome does not count as credit earned and, therefore, may negatively impact satisfactory academic progress. Please refer to the policy on financial aid satisfactory academic progress.

To submit an Incomplete Grade Request, the student logs in to MySUNYEmpire, clicks on Self-Service Banner, the Student link and then the Incomplete Grade Request link. The student must provide:

- A rationale for the request.
- A plan for completion that includes a list of all work due.
- A check in the box stating that the student agrees to the incomplete conditions as stated in the graduate catalog.

An email will be sent to the student after the course instructor has approved or denied the request. If approved, the email will contain:

- The default grade that will be issued if no work is completed.
- List of outstanding work to be completed.
- The work due date.

INVOLUNTARY WITHDRAWAL PROCEDURE

Whenever possible, the university uses the Student Conduct Policy and Procedures to address violations of university regulations. In rare cases, a student poses a significant risk to self or others and may not be competent to participate in student conduct proceedings. Significant risk constitutes a high probability of substantial harm and not just a slightly increased, speculative, or remote risk. In these cases, the provost/vice president for academic affairs or designee may involuntarily withdraw the student from the university.

Procedure

A. If a student poses an immediate and significant risk of harm to self or others, the individual confronted with the situation calls local police. The dean makes a further assessment after the immediate safety issues are addressed.

B. The dean uses available evidence to determine if there is significant risk to self or others. The assessment may include a review of recommendations by emergency responders (police, EMTs, etc.) and medical professionals. Additionally, or in the absence of such information, the dean uses the best available information.

C. The dean of the student's home location makes a request to the provost/vice president for academic affairs outlining the risk posed by the student and explaining why the student is not able to participate in conduct proceedings, if applicable.

D. The provost/vice president for academic affairs reviews the request and determines if the threat and the assessment of incompetence is sufficient to warrant the involuntary withdrawal of the student from the university. The provost/vice president for academic affairs may consult with others as needed and provides the student an opportunity to provide his or her own evaluation or other evidence.

a. If an involuntary withdrawal is warranted, the provost/vice president for academic affairs notifies the individual in writing, summarizes the basis for the decision, and copies the dean. The provost/vice president for academic affairs also may require, as a precondition to a student's return, that the student provide documentation that the student has taken steps to reduce the previous threat. The university may require a release to speak with any treatment professional.

b. If the student poses a risk to safety and order and the provost/vice president for academic affairs determines that the student is competent to participate in conduct proceedings, involuntary withdrawal is not appropriate. The conduct policy and procedures provide for an interim suspension pending conduct proceedings.

c. If the provost/vice president for academic affairs determines that the student does not pose a significant risk, he or she refers the matter back to the dean for action in accordance with established policies and procedures.

E. The student may request reconsideration of the involuntary withdrawal in writing to the provost/vice president for academic affairs. The student provides a rationale and additional evidence that supports his or her request. This may include documentation that he or she has taken steps to reduce the previous threat. The provost/vice president for academic affairs reviews the request and any documentation, may consult with others, may require a release to speak with any treatment professionals, and informs the student in writing of the final decision.

LEAVE OF ABSENCE PROCEDURE

A leave of absence should be requested if a graduate student will be out of their program (not taking courses) for two or more consecutive terms. If the student plans to skip an enrollment (not take courses) for only one term, then there is no need to request a leave of absence. By being on an approved leave of absence, the student is able to maintain active status without enrolling in courses.

It is very important to note that a leave of absence does not extend the time period for program completion (see policy located elsewhere in this catalog). It is also important to note that a leave of absence does not cancel a registration, grant an incomplete for a course nor extend an existing incomplete.

Before requesting a leave of absence, the student should withdraw from courses if enrolled. The leave request should include the length of time

(leaves are typically granted for one year) and the reason for the request. The request should be submitted to the student's school:

- **School for Graduate Studies** – complete the form in the Graduate Student Center on MySUNYEmpire (<https://www.sunyempire.edu/mysunyempire/>)
- **School of Nursing and Allied Health** – send an email to SONAH.Services@sunyempire.edu

M.A. DEGREE PROGRAM REGISTRATION LIMIT PROCEDURE

Some of the Master of Arts programs offer you the flexibility of some level of customization of your degree. If you are in a program that requires you to develop a degree program plan, you must submit a plan for approval in accordance with the requirements for your program. To ensure that you are enrolling in courses that will fit within your program, you are limited to no more than 21 credits of enrollment without an approved degree program in place. It is important to note that this procedure refers to *credit attempted*, not credit earned.

MINIMUM STUDY POLICY

To remain active, a student must enroll for a minimum of 6 credits per calendar year. If a student is not enrolled for a minimum of 6 credits and have not been granted a leave of absence by the dean of the School for Graduate Studies, or designee, the student will be considered inactive and administratively withdrawn from the program.

If a student is administratively withdrawn, has been inactive for less than three years and wants to return to his or her program, permission can be requested in writing, from the head of the program. The request should state the reason(s) for wanting to return and any explanation that can be offered about the student's absence from the program.

If a student has been administratively withdrawn from a program and has been inactive for three years or more and wishes to return, reapplication to the university will be necessary. The student's application will be reviewed for admission under the admission standards that are current at the time of the new application.

If a student has been administratively withdrawn from the program and had received approval for the final project proposal, the proposal and project readers must be reconsidered and approved again. The student may be required to retake the requisite final project design course.

Students can also be administratively withdrawn for failure to pay the tuition and/or fees required by the program.

NON-MATRICULATED ENROLLMENT POLICY AND PROCESS

A student may wish to engage in graduate-level study with no intention to earn a degree. For example, you may want to stay current in your field, or earn credit that will count toward a degree at another college or university.

Policy

A. The following applies to non-matriculated study:

1. Study is limited to no more than four graduate courses (up to 12 credits) of study in the School for Graduate Studies if the student is in good academic and financial standing;
2. The student may enroll in a limited selection of courses offered each term; and
3. An official transcript must be provided verifying completion of a bachelor's degree or higher degree from a regionally accredited institution prior to registration as a non-matriculated student.

B. If a student begins as non-matriculated and is later admitted to a degree or certificate program, only those courses appropriate to the degree or certificate program are eligible to be counted toward the degree or certificate program.

C. Although successful completion of courses as a non-matriculated student will be considered in admissions decisions, it does not automatically qualify an individual for admission.

D. Non-matriculated students are not eligible for financial aid.

E. Active status is determined by the Graduate Minimum Study Policy.

Students may appeal any decision made about non-matriculated enrollment as outlined in the Academic Appeals Policy and Procedures.

PRIVACY: ADHERENCE TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

The Family Educational Rights and Privacy Act of 1974 was designed to ensure that educational records would be open to inspection and correction when appropriate and that recorded information would not be made freely available to individuals outside the school without consent. Both current and former students have the right to inspect and review all records, files, documents, and other material directly related to them, which are maintained by the school or a person acting for the school.

To comply with the provisions of the act, Empire State University guarantees the following:

1. The university will inform students annually of their rights under the act.
2. Students may request to examine their education records by the following methods:

Location or Program Files – In person or written request to dean or designee.

Coordinating Center Files – In person or written request to university registrar.

Proper identification required for in-person requests, e.g., Empire State University identification card.

The university will comply with such requests in a reasonable time not to exceed 45 days from receipt of the request.

3. If the student wishes copies of the education records, the following fee schedule will apply: Transcript \$5, all other education record materials \$.50/page.
While the university may not deny access to the records, under certain circumstances it may have cause to deny a request for a copy of a student's education records. The university will not issue an official transcript to a student who is in arrears.
Types and locations of records maintained by the university, and the officials responsible for them are as follows:
 - a. Admission Records: Admissions office – director of admissions; locations or programs – dean/program director. Upon official enrollment of a student, admissions records are transferred to the Office of the Registrar.
 - b. Academic Records: Office of the Registrar – the registrar; locations or programs – dean/program administrator.
 - c. Official Empire State University Transcripts: Office of the Registrar (Saratoga Springs) – registrar.
 - d. Financial Aid Records: Financial Aid and Student Accounts (Saratoga Springs) – directors of business services, financial aid and student accounts.
 - e. Billing Records: Student Accounts (Saratoga Springs) – director of student accounts.

f. Graduate and Inactive Academic Student Records: Office of the Registrar – registrar.

4. The university will not disclose personally identifiable information from a student's education records without prior written consent of the student except as permitted by the act in paragraphs 99.31 and 99.37.

99.31 – Prior Consent for Disclosure not Required

Prior consent is not required for the following:

- a. School officials – Those persons (and their supporting staffs) whose official functions require access to student records (e.g., Office of Academic Affairs, Admissions, Office of the Registrar, Financial Aid, Student Accounts, Office of university-wide Academic Review personnel, mentors, research personnel).
- b. Authorized representatives of the comptroller general of the United States; the secretary, the commissioner, the director of the United States Department of Education; the assistant secretary for education; state educational authorities.
- c. Persons connected with financial aid (e.g., determining eligibility, amount, conditions, and enforcement of conditions).
- d. State and local officials when information is required to be disclosed by state statute.
- e. Organizations conducting studies for the university for specific purposes when personal identification will not be possible outside the organization.
- f. Accrediting organizations in carrying out their functions.
- g. To comply with judicial orders.
- h. In event of health or safety emergency.
- i. To comply with the Patriot Act of 2001.

99.37 – Disclosure of Directory Information

Directory information, which can be released without prior consent of the student, is limited to the following (as authorized by the act):

- a. Name
- b. Address
- c. Phone number
- d. Dates of attendance
- e. Most recent previous educational institution attended
- f. Major area of concentration
- g. Degree and awards earned
- h. Participation in officially recognized university activities
- i. Date and place of birth

The student may restrict the release of all or part of the directory information by following the procedures specified in each annual notice.

All parts of the university will operate under the following procedures with regard to requests for information:

1. **Incoming Phone Requests** – Only directory information items d, f, and g will be released over the phone to persons outside the university.
2. **Written Requests** – Directory information will be released by the university registrar in response to requests on official letterhead to persons having legitimate reason for requesting the information. If

additional information is requested, the student will be notified and release requested.

3. **In-person Requests** – Directory information will be released to those who have proper identification and legitimate reason for requesting the information. It will not be released to other students.
4. Other than directory information will be released only by the university registrar and only with the prior consent of the student.
5. The Office of the Registrar will maintain a record in the student's file of all requests for, and disclosure of, personally identifiable information (other than directory information) from a student's education records as specified in the act. This record may be inspected by the student.
6. Students may request to amend their education records if they believe information contained therein is inaccurate or misleading or violates their privacy or other rights. If such a request is refused, the university will so inform the student and advise the student of the right to a hearing to be held within a reasonable time.
7. All parts of the university will maintain student records in lockable file cabinets, preferably in lockable rooms. Similarly, computer files will be maintained in such a way as to ensure maximum security and to provide access only to authorized personnel. Storage and destruction will be in accordance with State University policy and procedures.
8. Copies of this policy and of the act will be on file in all locations of the university and will be made available to eligible students upon request.

Access to Lists of Empire State University Graduates

The Family Educational Rights and Privacy Act of 1974 stipulates under what conditions information regarding graduates, as well as students, may be made public. It is the policy of this university not to make mailing lists of graduates available to other organizations or individuals. In no instance will lists of Empire State University graduates be released to organizations or individuals for commercial purposes. All requests for information on individual Empire State University graduates will be forwarded to the university registrar. If, in the view of the university registrar, a compelling case exists to grant exception to this policy, the university registrar will consult with the Office of the President and Alumni and Student Relations to determine if an exception is warranted. In those cases where an exception is granted, the Family Educational Rights and Privacy Act of 1974 will still govern the release of information.

RELIGIOUS OBSERVANCE POLICY

In compliance with Section 224-a of the Education Law, students unable, because of religious beliefs, to engage in learning activities – classes, examinations, study, or work requirements – on a particular day or days will not be penalized and will be provided with means to make up for any study opportunities that may have been missed because of absence for religious reasons. Since most study arrangements at Empire State University are individually made between student and faculty, students may schedule meetings and other academic activities so they do not conflict with their religious observances. In cases where group meetings are arranged (e.g., classes, seminars, special examinations such as University

Level Examination Program or New York College Proficiency Examination Program), students who wish to avail themselves of these opportunities, but are unable to participate at certain times because of religious beliefs, should consult with their mentors to make alternate arrangements. No adverse or prejudicial effects shall result to any student because of his or her religious beliefs.

SATISFACTORY ACADEMIC PROGRESS (SAP) POLICY

This policy statement describes the academic conditions under which a graduate student is eligible for financial aid.

A student is expected to complete courses, to accumulate credit in proportion to the credit attempted (i.e., meet academic progress expectations), and to make progress toward a degree/certificate.

Sometimes a student makes less academic progress than expected. When this occurs, the university notifies the student with a satisfactory progress warning or dismissal.

Satisfactory Academic Progress Determination

1. A student is making satisfactory academic progress when she/he consistently earns credit toward the degree or certificate sought which is defined as earning 67% of attempted credits.
2. Academic progress is monitored at the end of each term.
3. Academic progress is cumulative across graduate programs at the university.
4. Completion of prerequisite/deficiency requirements for admission to a master's program does not count toward the credit required to earn a master's degree. Therefore, these credits do not count toward meeting satisfactory academic progress expectations.
5. Academic progress advances only when a student earns credit toward the degree or certificate sought. A student earns no graduate-level credit and makes no progress academically when the student receives any of the following grades for a graduate course:

- Incomplete (IN)
- F
- No Pass (NP)
- Administrative Withdrawal (ZW)
- Withdrawal issued on or after 29th day of term (WD)

These grades count in the determination of credits attempted, and thus affect the calculation of the student's cumulative rate of progress.

Financial Aid Warning

A student is placed on financial aid warning when the student earns credit for less than 67% of the student's attempted credits.

Rescinding a Financial Aid Warning

A financial aid warning is in effect until it is rescinded or financial aid is suspended. A financial aid warning is rescinded when the student's progress rate returns to a satisfactory level.

Financial Aid Dismissal

1. A student receives a financial aid suspension when after one subsequent term of enrollment after being placed on financial aid warning, the student's progress rate does not return to a satisfactory level.
2. A student who is on financial aid suspension may continue to take coursework without financial aid as long as s/he maintains satisfactory academic standing.

Suspension: student may appeal Financial Aid Suspension to the dean, or designee, of the appropriate school. An appeal of a Financial Aid Suspension must present written evidence that the student is ready and able to make satisfactory progress and include an academic plan co-developed with the student's academic advisor, which includes the number of terms within which the student will return to satisfactory academic progress. Appeals of financial aid suspension are granted at the discretion of the dean, or designee. If approved, the dean, or designee,

will grant a specific number of terms by which a student must return to satisfactory academic progress. If the student returns to satisfactory academic progress by the end of the designated number of terms, the student returns to good standing. If the student does not return to satisfactory academic progress by the end of the designated number of terms, the student will be placed on Financial Aid Suspension.

A student placed on Financial Aid Suspension for a second time, is not eligible to receive financial aid for graduate study at Empire State University in the future.

Appeals

An explanation of the appeals process is in the Academic Appeals Policy and Procedures.

GRADUATE ACADEMIC STANDING POLICY

This policy statement describes the academic conditions under which a graduate student, or an undergraduate student enrolled in graduate courses, is eligible to remain enrolled in graduate courses at the university and specifies procedures for warning and dismissing students.

This policy defines whether a student is in good academic standing. It does not determine if a student is eligible for financial aid.

The cumulative grade point average is the criterion that establishes the student's academic standing with the university. A student who meets this criterion is in good academic standing and therefore maintains her/his eligibility to re-enroll. Cumulative GPA and other criteria apply to eligibility to receive financial aid. See the Graduate Satisfactory Academic Progress policy and the statements on Eligibility for NYS and Federal Financial Aid. Sometimes a student's cumulative GPA falls below the minimum satisfactory cumulative GPA. When this occurs, the university notifies the student with an academic warning or dismissal.

Academic Warning

A student is placed on academic warning when s/he has a cumulative GPA below 3.00.

- A student on academic warning has 6 additional credits of enrollment to return to a cumulative GPA of 3.00 or higher.
- An academic warning is in effect until it is rescinded or the student is academically dismissed.

Rescinding an Academic Warning

An academic warning is rescinded if a student's cumulative GPA raised to 3.00 or greater within the additional 6 credits coursework allowed under academic warning.

Academic Dismissal

- A student is academically dismissed if they are on academic warning and do not achieve a cumulative GPA of 3.00 or greater after attempting 6 additional credits of applicable coursework at Empire State University.
- A student concurrently enrolled in two or more graduate programs at the time of dismissal, is dismissed from all active graduate programs when they meet the criteria for dismissal.
- An undergraduate student enrolled in a combined bachelor's degree and master's degree program is dismissed from the combined program when they meet the criteria for dismissal. The student may continue in the bachelor's degree program provided that they meet the requirements for that program.

Reinstatement After Academic Dismissal

In order to be reinstated, a student must present written evidence to the dean or designee of the appropriate school, that the student is ready and able to make satisfactory progress. The student should address the problems that led to the dismissal and what s/he has done to correct those problems. The dean consults with program faculty in making this determination.

The dean or designee, of the appropriate school considers requests for reinstatement after academic dismissal, and grants reinstatement at his or her discretion. If the dean, or designee, reinstates a student, s/he may establish terms and conditions that promote future academic success. For example, the dean may impose specific conditions for subsequent enrollments, such as requiring a reduced academic load or requiring enrollment in courses to build academic skills.

If the student is dismissed from her/his program and wishes to apply to a different program, the student must complete a new application. The student should address the problems that led to the dismissal, what s/he has done to correct those problems, and how s/he expects to achieve success in the new program.

Students are not eligible for reinstatement or readmission for at least one term after an academic dismissal. Students who are academically dismissed for a second time are not eligible for reinstatement or readmission.

A student dismissed from a combined bachelor's degree and master's degree program may not request reinstatement to the combined program, but may apply to the master's program directly following the standard master's admissions process.

Other Reasons for Academic Dismissal

Students may also be academically dismissed when they fail to meet the expectations of other academic policies. For example, students may be dismissed when they are unable to retake a required program course after two unsuccessful attempts under the *Graduate Evaluation and Grading Policy* or when teacher education students fail to meet the professional expectations described in the *Teacher Professional Expectations Policy*.

Appeals

A student may appeal a grade, an academic warning or dismissal, or other academic judgment, as provided in the *Student Academic Appeals Policy*.

Effective date: 9/1/2019

Review date: 9/1/2022

TEACHER PROFESSIONAL EXPECTATIONS POLICY AND PROCEDURES

Empire State University expects teacher education students to teach effectively and to demonstrate behaviors and attitudes that are consistent with the ideal of fairness and the belief that all students can learn. Empire State University expects students in professional education to demonstrate a set of values and attitudes consistent with the highest professional standards and to comply with relevant local, state, and federal law. Students who fail to meet professional expectations are subject to warning or dismissal from the program and those dismissed cannot be recommended for teacher certification.

Further, the teacher education programs prepare students to function as professionals who serve pupils and clients who may be minors or individuals in circumstances of significant vulnerability. In pursuing their academic programs, students come into direct contact with such vulnerable pupils and clients as part of their field experiences, residency

placements and teaching roles. Empire State University has an obligation to protect those pupils and clients and cannot tolerate student behavior that exploits, endangers, compromises, or threatens the welfare, safety, or rights of those pupils or clients.

In deciding whether to admit, readmit, retain or graduate a student from a program, or to recommend an individual for state certification, the teacher education program considers not only the university's admission and academic requirements but also the individual's competencies related to serving in the teaching profession, including, but not limited to, the individual's conduct, professional attitudes, values, and attributes to the extent such traits impact the person's ability to serve effectively and ethically in the profession, and advancement in a teacher education program. The teacher education faculty and staff will conduct periodic reviews of students at key checkpoints, such as the time for certification recommendation, to determine whether or not the student will move forward in the process.

Professional Expectations and Criteria:

In deciding whether to admit, readmit, retain, or graduate students from a program, or to recommend an individual for a state teaching certificate, a teacher education program considers:

1. The individual's educational, work, and other life experiences related to the teaching profession.
2. The individual's ability to communicate and work effectively with students, families, colleagues, peers, university faculty and staff, and communities, including individuals from different backgrounds, individuals with exceptional needs or limitations, individuals from different religious, cultural, racial, or ethnic populations, and individuals of different genders and sexual orientations.
3. The individual's fitness for the profession, including but not limited to any formal charge of professional misconduct or any felony conviction(s).
4. The individual's behavior in light of appropriate professional and ethical standards.
5. The individual's general and specific knowledge, skills and dispositions needed to successfully complete the particular program, and to function effectively in the profession. Dispositions for teaching are defined as those professional attitudes, values, and attributes expected of an education professional by this policy and by New York state law and regulations. An instrument is used as a valid, reliable, and objective tool for assessment in this process. There is a set process to review the results of this instrument.
6. The legal requirements and professional expectations as set out in the applicable laws and regulations governing state certification.
7. The standards and rules adopted or recognized by a teacher education program and applicable professional organizations.
8. Whether the individual has met all the other program requirements for retention, graduation or recommendation for state certification as set forth in the Graduate Catalog and the program's written policies and procedures.

Procedures

Warning or Dismissal From a Teacher Education Program

A. Academic Warning or Dismissal

The graduate student Evaluation and Grading policy, Satisfactory Academic Progress policy, Academic Standing policy, and Academic

Honesty policy contain university policy and procedures for academic warning and dismissal.

B. Professional Warning or Dismissal

The dean of the School for Graduate Studies may issue a warning or dismiss a student from the program for failure to meet, satisfy or demonstrate satisfactory performance with respect to one or more of the program's professional criteria (see Part I).

1. Grounds for Professional Warning or Dismissal

The dean of the School for Graduate Studies may issue a warning or dismiss a student from the program for failure to meet one or more of the following:

- a. A school or a school district decides not to hire or retain the student, dismisses the student from field experience, disciplines the student for misconduct or determines that the student has behaved inappropriately with respect to any of the professional criteria.
- b. The dean of the School for Graduate Studies determines that the student does not meet the professional criteria.

2. Procedure for Warning or Dismissal

- a. Once notified of a complaint/incident, the division chair will notify the student and the student's advisor of the complaint/incident; schedule a meeting between the student, advisor, and chair; and conduct an investigation. The student will have one week from the date of notification to confirm a date for this meeting. In advance of this meeting, the student may provide a written response to the division chair concerning the incident. At this meeting, the student may provide information or documentation or be asked by the division chair to provide information or documentation related to the complaint/incident. Based on the investigation, the division chair will make a recommendation to the dean of the School for Graduate Studies and copy the student. The student has one week from the submission of the chair's recommendation to submit a written response to the dean of the School for Graduate Studies. In the absence of the division chair, the director of teacher education will act in his/her place.
- b. Upon receipt of this recommendation, the dean of the School for Graduate Studies may warn or dismiss the student from the program. In making this decision, the dean may obtain information, documentation or consult with others as deemed necessary.
- c. The dean notifies the student in writing. The warning or dismissal notice includes the effective date and reason for the warning or dismissal. The dean provides a copy to the division chair, director of teacher education, the student's academic advisor, and course instructor(s).
- d. If the student is in a field experience or teaching role and is dismissed by the university, the dean also notifies appropriate school personnel of the dismissal. If the student has been issued transitional B certification and is dismissed, the director of teacher education also notifies appropriate NYS Education Department personnel.
- e. In cases where the student's behavior appears to present an immediate danger to the welfare and safety or rights of pupils or clients, in accordance with the Student Conduct Policy and Procedures, the dean may place an individual on interim suspension.

f. A student who receives a warning or is dismissed may make an appeal following the university's policy on Student Academic Appeals.

Decision Not to Recommend for Certification

1. Grounds for Decision Not to Recommend a Student for Certification

- a. The program does not recommend any student for certification who has been dismissed from the program.
- b. The program does not recommend any student for certification who fails to meet NYS Education Department requirements.
- c. The division chair and/or director of teacher education may decide not to recommend a student for certification who fails to meet, satisfy or demonstrate satisfactory performance with respect to one or more of the program's academic and/or professional criteria.
- d. The division chair and/or director of teacher education may decide not to recommend a student for certification if a school or school district disciplines the student for misconduct, dismisses the student from field experience or determines that a student has behaved inappropriately with respect to any of the professional criteria.

2. Procedure for Decision Not to Recommend a Student for Certification

- a. The division chair and/or director of teacher education may decide not to recommend a candidate for certification. In making this decision, the division chair and/or director of teacher education may obtain information, documentation or consult with others as deemed necessary.
- b. The division chair and/or director of teacher education notifies the student in writing. This notice includes the reason for the decision not to recommend the student for certification. The division chair and/or director of teacher education provides a copy to the student's academic advisor and the dean of the School for Graduate Studies.
- c. A student who is not recommended for certification may make an appeal following the university's policy on Student Academic Appeals.

Readmission Consideration

Students who reapply to the program or a different program in the School for Graduate Studies must do so in accordance with the procedures for readmission. In reviewing an application for readmission to the teacher education programs all previous work in a graduate program including the individual's competencies related to serving in the teaching profession and professional expectations and criteria defined in the policy is considered.

Incident Reporting

A. Violations of Criminal Law by Teacher Education Students

1. Students charged with violations of criminal law must report such charges immediately to the division chair and director of teacher education. The dean is responsible for determining the student's status upon receipt of the information. The dean makes an evaluation and determination concerning the seriousness of the offense or offenses charged and the bearing, if any, that the criminal charges have on the student's fitness or ability to perform the duties and responsibilities of field experiences, or teaching, until the charges have been dismissed.
2. Depending on the nature of the charges and the information available, the dean may immediately remove such students from participation in field experiences or teaching.

3. If further action is required, including interim suspension from the university, the dean follows the procedures outlined in the Student Conduct Policy and Procedures.

B. Legal Notice

1. Students in field experiences are covered by New York State Education Law §3023, which requires that each school district "save harmless and protect all teachers, practice or cadet teachers ... from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person, or accidental damage to the property of any person within or without the school building, provided such teacher, practice or cadet teacher ... at the time of the accident or injury was acting in the discharge of his duties within the scope of his employment or authorized volunteer duties and/or under the direction of said board of education" A student who is involved in any such accident must immediately inform the school administrator and the SUNY Empire division chair, and director of teacher education.
2. A student who is served with a summons, complaint or other legal process involving an incident which occurred during the course of their teaching or field experience while participating in a teacher education program must immediately forward a copy of the legal papers to the local school administrator, SUNY Empire division chair, and director of teacher education.

SAFETY & SECURITY POLICIES AND PROCEDURES

OFFICE OF SAFETY AND SECURITY

The Office of Safety and Security at Empire State University oversees security operations for the university. The office serves as an administrative oversight for security operations at the Coordinating Center in Saratoga Springs and university-wide. The office works closely with law enforcement agencies and first responders throughout New York to ensure a safe, secure, and conducive learning environment for our students and a professional work environment for our faculty and staff.

Safety is everyone's responsibility. The university community is a great place to work; however, it is not immune to the types of problems seen throughout society. Unfortunately, crime is a reality at every location of Empire State University.

The university's goal is to provide a safe and secure environment for students, staff, and visitors. However, it is only possible to maintain safety and security when every student and staff member takes an active part in the effort.

The purpose of this publication is to:

- Provide an overview of the Office of Safety and Security;
- Share crime statistics required by the Jeanne Clery, Disclosure of Campus Security Policy and Campus Crime Statistics Act;
- Inform current and prospective students, staff, and visitors about the policies and programs designed;
- Provide information regarding emergency preparedness and planning;
- Distribute public information regarding fire safety and fire-related information.

UNIVERSITY LAW ENFORCEMENT

Empire State University's Office of Safety and Security is located in Saratoga Springs. In conjunction with local law enforcement and individual facility management at our various locations, the office works to ensure the overall safety of the university community as a whole.

The office is staffed during business hours only, and does not provide 24/7 coverage. The office works cooperatively with law enforcement agencies having jurisdiction at each Empire State University location, and has forged memorandums of understanding for the investigation of crimes. All federal, state, and local laws apply at Empire State University. Representatives of the Office of Safety and Security serve an administrative function and do not have law enforcement authority.

While we have developed policies and procedures to ensure that students and their possessions are protected as much as possible, it is primarily the responsibility of the student, faculty or staff member to provide for his or her own personal safety.

THE JEANNE CLERY ACT

Compliance Statement: The Crime Awareness and Campus Security Act of 1990

Clery Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Clery Act also requires reporting crimes on public property not owned or controlled by the university. (Empire State University is a nonresidential university.)

Colleges and universities are required to publish an annual report every year that contains three years' worth of campus crime statistics and certain security policy statements including sexual assault policies that assure basic victims' rights, the law enforcement authority of campus police, Safety and Security and where students should report crimes. The report is to be made available to all current students and employees. Prospective students and employees are to be notified of its existence and given an opportunity to request a copy. It remains the responsibility of the Office of Safety and Security for the collection of crime reports and distribution of the annual crime statistics and report by Oct. 1 of each calendar year.

The Empire State University "Annual Public Safety Report" is available to all current and perspective Empire State University students and employees upon request.

The "Annual Public Safety Report" includes:

- Statistics on the number of on-campus murders, rapes, robberies, aggravated assaults, burglaries, motor vehicle thefts, bias-related crimes and arrests for weapons possessions, and liquor and drug abuse violations;
- Policies regarding security, access to university and other facilities, and university law enforcement;
- Procedures for reporting crimes and other emergencies;
- Information on university sexual assault and rape awareness programs, procedures to follow when a sex offense occurs, disciplinary action procedures, counseling opportunities, and notification to students that Empire State University will make reasonable changes of a victim's academic situation if the victim so chooses;
- Policies on the use, possession and sale of alcoholic beverages and illegal drugs; and
- A description of Empire State University programs informing the campus community about alcohol and drug abuse education, crime prevention, and campus security practices.
- Sex offender registry information can be found on the New York State Sex Offender Registry ([http://](http://www.criminaljustice.ny.gov/)

www.criminaljustice.ny.gov/) home page. You also can call 800-262-3257.

- Procedures for emergency response, emergency communications, and emergency evacuation procedures.

Geographic Locations Used Under the Clery Act

- *On Campus:* Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph 1. of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- *Non-campus Building or Property:* Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- *On Public Property:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Safety and Security – Our Responsibility

The Office of Safety and Security is responsible for compiling and disseminating the Campus Safety Report annually as required by the Federal Student Right-to-Know Law and Campus Security Act, which was signed into law November 1990. The purpose of this report is to provide Empire State University faculty, staff, students, and prospective students with campus safety information including crime statistics and procedures to follow in order to report a crime. Title II of this act was known as the Crime Awareness and Campus Security Act, which was amended and renamed in 1998 to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the Clery Act. The Clery Act mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the current reporting year and the previous two calendar years.

Definitions

1. On an annual basis, the Office of Safety and Security solicits information from any and all law enforcement agencies with geographical jurisdiction over any and all Empire State University locations about criminal activity reported to those agencies. The information requested outlines crimes reported to the agencies that happened on or near an Empire State University location or involved members of the university community.
2. This report of crimes reflects but is not limited to crimes outlined under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).
3. The Office of Safety and Security compiles data as outlined under the Clery Act and makes them available annually to the university community. Upon request, these data shall be provided to prospective students and employees.

4. Data obtained and reported to the Office of Safety and Security is held for seven years after an individual year report is published.

Empire State University, the New York State Campus Safety Act, Compliance Statement

Empire State University acknowledges the importance of campus safety and investigating crime. By means of this statement Empire State University adheres to formal plans that provide for the investigation of missing students and violent felony offenses committed on campus. Memorandums of understanding throughout New York have been executed with various local law enforcement agencies to specifically address this issue.

What is the New York State Campus Safety Act?

This law was enacted in 1999. It was prompted by the unexplained disappearance of Suzanne Lyall from the State University of New York at Albany campus in 1998. The reforms made by this law acknowledge that improving campus safety must begin with swift and efficient investigative action and optimum access to missing person information by student's families and the public. The act:

- Requires all public, private, community colleges, and universities in New York to have formal plans that provide for the investigation of missing students and violent felony offenses committed on campus; and
- Expands the responsibilities of the NYS Division of Criminal Justice Services (DCJS) Missing and Exploited Children Clearinghouse to provide assistance with the dissemination of information about missing university students.

Investigations of Missing Persons

Empire State University Missing Person's Compliance Statement

A "missing student" or "missing person," means any student of Empire State University subject to provisions of section 355 (17) of the New York State Education Law. Empire State University does not operate or employ residence halls. Therefore, any and all persons reported missing to Empire State University, or the Office of Safety and Security will be reported to the Saratoga Springs Police Department or law enforcement having immediate jurisdiction. In 2003, President George W. Bush signed into law "Suzanne's Law," requiring police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing, as part of the national "Amber Alert" bill.

Memorandums of Understanding

Empire State University, [in accordance with the provisions of Procedure #3650, dated July 1, 2004, set forth by the State University of New York, Campus Conduct and Other College Property Used for Educational Purposes, and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f), Crime Awareness and Campus Security Act of 1990 otherwise known as the Campus Safety Act] developed memorandums of understanding with local law enforcement to address enforcement of laws at the university, to assist in the reporting of missing persons and investigate, and respond to violent felony crime under New York Penal Law §70.

Criminal and Incident Reporting Criminal Offense

If a criminal offense occurs at any of the university's locations, it must be reported immediately. Individuals who are victims of a crime at or near a university facility have the responsibility to report such acts to

local police, university officials/campus security authority or the Office of Safety and Security. If the incident is an immediate threat to health, life or safety, the first call should always be to the 911 Center to alert the proper police agency within that location's jurisdiction. Once the caller is safe, the Office of Safety and Security must be notified. Emergency contact information for local police is located on the university safety and security website. During normal business hours, university officials will be available to assist victims and witnesses in reporting incidents to police. Criminal offenses occurring outside of normal business hours should be reported directly to local law enforcement. The university also has established an after-hours emergency incident reporting number for Safety and Security; this number is 518-587-2100, ext. 2899.

Incident Reporting Procedure Empire State University Incident Reporting Procedural Statement Purpose

Establish guidelines to assist Empire State University community members in reporting of incidents that may occur to students, faculty, and staff. Empire State University is regulated by statute to report specific criminal incidents that have direct correlation to the university. The guidelines that follow will assist individuals in reporting of incidents and streamline the notification process.

Definitions

- *Incidents:* An incident may be defined as an action or event that is, has or is going to occur, that has an effect on someone or something. For the purposes of this procedure an "incident" is a crime, emergency or incident immediately dangerous to life, health or to the university as a whole.
- *Incident report:* Official report taken by Empire State University with regards to an incident documenting information regarding said incident. A police agency report will serve as an official report under this definition.

Incident Reporting, Criminal, or Violent Behavior

All university staff, faculty, and students are asked to assist in making the university a safe place by being alert to suspicious situations or persons and reporting them as outlined below. If you witness, are the victim of, or are involved in any on-campus violation of the law such as assault, robbery, theft or overt sexual behavior, local emergency police services should be called at 911 as soon as possible and the following information should be given:

- Nature of the incident
- Location of the incident
- Description of the person(s) involved, injured
- Description of the property involved

In addition, the individual should immediately report the incident to the Office of Safety and Security. Crimes or incidents of a lesser nature including, but not limited to: Property crimes, larceny, and vandalism, are to be immediately reported to the executive director/ regional operations coordinator (or designee). If an individual notices a person(s) acting suspiciously at a Coordinating Center location, he or she should contact the Office of Safety and Security at 518-587-2100, ext. 2800. In all other locations, individuals should contact the executive director/regional operations coordinator (or designee) at the location who will determine if the police need to be contacted.

Incidents requiring medical attention should be reported to local emergency 911 officials. In addition, the individual should immediately

report the incident to the executive director/regional operations coordinator (or designee).

In all instances, the Office of Safety and Security will conduct an investigation with the police agency taking the initial report if applicable.

All Empire State University locations located on a SUNY college campus are required to adhere to that respective university's emergency notification system when incidents occur.

In the event of a critical incident or violent criminal act, Empire State University in conjunction and communication with local law enforcement will, in accordance with the Jeanne Clery Act (34 CFR 668.46(e)), issue a "timely warning" and/or "emergency notification" as directed by the Empire State University Emergency Notification and Timely Warning Policy.

Crime Definitions

Clery Offenses (Federal Offense Definitions)

- *Aggravated assault*: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- *Arson*: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- *Burglary*: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- *Crime or a public offense*: An act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments – death; imprisonment; fine; removal from office; or disqualification to hold and enjoy any office of honor, trust, or profit in this state.
- *Domestic violence*: Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- *Dating violence*: Violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- *Drug abuse*: Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent incapacity.
- *Hate crime*: Any act of intimidation, harassment, physical force or the threat of physical force directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise of enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of New York whether or not performed under the color of law (Source – Definitions Used in Hate Crimes Reporting, P.O.S.T. Hate Crimes Student Workbook, January 1992 p. 2).

- *Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Larceny – theft*: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- *Liquor-law violation*: Violations of laws or ordinances prohibiting the manufacture, purchase, transportation, possession or use of alcoholic beverages.
- *Murder and non-negligent manslaughter*: The willful (non-negligent) killing of one human being by another.
- *Negligent manslaughter*: The killing of another person through gross negligence.
- *Rape*: The penetration, no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Robbery*: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.
- *Sex offenses*: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- *Stalking*: A course of conduct directed at specific person that would cause a reasonable person to fear for her, his or others' safety or to suffer substantial emotional distress.
- *Statutory rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- *Vehicle theft*: The theft or attempted theft of a motor vehicle.
- *Weapons*: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

New York State Law Definitions

Violence against women act specific definitions: The Violence Against Women Act and its proposed regulations require the inclusion of certain New York state definitions in a campus's Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs, and trainings for employees and students. Definitions required include: Affirmative consent, dating violence, domestic violence, sexual assault, and stalking.

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given in 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, and gender identity or gender expression.

- Consent to any sexual act or prior consensual sexual activity with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be withdrawn at any time.
- Consent cannot be given when a person is incapacitated, i.e., when he or she lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual

otherwise cannot consent. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- Consent cannot be given under conditions of coercion, intimidation, force, or threat of harm.
- When consent is withdrawn, or can no longer be given, sexual activity must stop.

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

DOMESTIC VIOLENCE – An act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

FAMILY OR HOUSEHOLD MEMBER – Person’s related by consanguinity or affinity; persons legally married to one another; person formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: The nature or type of relationship regardless of whether the relationship is sexual in nature, the frequency of interaction between the persons, and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship,” any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

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

SEXUAL ASSAULT – New York state does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest or statutory rape as used in the FBI’s UCR program.

SEX OFFENSES: LACK OF CONSENT – Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

SEXUAL MISCONDUCT – When a person: 1) engages in sexual intercourse with another person without such person’s consent; or 2) engages in oral sexual conduct or anal sexual conduct without such

person’s consent; or 3) engages in sexual conduct with an animal or a dead human body.

RAPE IN THE THIRD DEGREE – When a person: 1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; 2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or 3) engages in sexual intercourse with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

RAPE IN THE SECOND DEGREE – When a person: 1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or 2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than 4 years older than the victim at the time of the act.

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

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

CRIMINAL SEXUAL ACT IN THE SECOND DEGREE – When a person engages in oral or anal sexual conduct with another person: 1) and is 18 years or more and the other person is less than 15 years old; or 2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than 4 years older than the victim at the time of the act.

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

FORCIBLE TOUCHING – When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. It includes squeezing, grabbing or pinching.

PERSISTENT SEXUAL ABUSE – When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous 10-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

SEXUAL ABUSE IN THE THIRD DEGREE – When a person subjects another person to sexual contact without the latter’s consent. For any prosecution under this section, it is an affirmative defense that: 1) such other person’s lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and 2) such other person was

more than 14 years old; and 3) the defendant was less than 5 years older than such other person.

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

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

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

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

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

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

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

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

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

anal sexual conduct or aggravated sexual contact with a child less than 13 years old.

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

INCEST IN THE THIRD DEGREE – A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

INCEST IN THE SECOND DEGREE – A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

INCEST IN THE FIRST DEGREE – A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

STALKING IN THE FOURTH DEGREE – When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: 1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or 2) Causes material harm to the mental or emotional health of such person, where such conduct consists of following, phoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or Is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, phoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

STALKING IN THE THIRD DEGREE – When a person: 1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or 2) Commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or 3) With an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission

of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or 4) Commits the crime or stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE – When a person: Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: Displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, “Kung Fu Star,” dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapons; or b) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or 2) Commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or 3) Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or 4) Being 21 years of age or older, repeatedly follows a person under the age of 14 or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of 14 in reasonable fear of physical injury, serious physical injury or death; or 5) Commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

STALKING IN THE FIRST DEGREE – When a commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Identification of Campus Security Authorities

The university has designated certain administrators and staff as “campus security authorities” in recognition that many students, faculty, and staff may be hesitant about reporting crimes to local police or the Office of Safety and Security, and may be more inclined to report incidents to non-law enforcement administrators and/or staff instead.

Campus security authorities are employees designated at various university locations that aid in the safety and security of the university community. Campus security authorities may be contacted when someone witnesses or sees an unsafe condition, believes that they are the victim of a crime, or is seeking a referral for drug or alcohol abuse. The university's Title IX coordinator Lindsay Holcomb (TitleIX@sunyempire.edu) must be contacted in all cases of sex discrimination or sexual violence.

Campus security authorities are charged with reporting to appropriate law enforcement personnel (either the Office of Safety and Security or local police), and university officials who should be made aware of the crime or complaint. A campus security authority is not responsible for determining whether a crime took place, as that is the function of law enforcement and its investigatory process, but rather responsible for making a good faith effort to report the incident and to help prevent further incidences.

A campus security authority is required to report all allegations to law enforcement personnel, even if the campus security authority was told of a crime in the context of providing emotional support or health care support. The allegations will be reported whether or not the victim chooses to file a report with law enforcement or press charges. A campus

security authority also may provide a victim or witness with assistance in reporting a crime to the Office of Safety and Security or local police, or to any official or office, which should be informed of the crime or complaint.

Empire State University does not have on-site university counselors, but rather contracts with Talk One-2-One, which is a free 24/7 confidential, third-party, professional counseling service for students. Counseling is provided via telephone and if face-to-face counseling is requested, the phone counselor will help the student locate a provider. The student's first three sessions are free of charge and then the counselor will work within the student's health insurance network. These counselors are not campus security authorities, and are therefore exempt from disclosing or reporting allegations of crimes and incidents. However, if for example a dean with a Ph.D. in psychology provides assistance, he/she is acting in his/her role as a dean and not as a counselor. In this case, the dean would not be exempt from the Clery Act reporting requirements.

In addition, as required under, (34 CFR 668.46a), the university has designated certain administrative personnel as “campus security authorities.”

- Office of Safety and Security, director, and assistants/designees
- Executive vice president and assistant vice president for administration, and affiliate vice presidents
- Assistant vice president for human resources and labor relations, or designee
- Title IX coordinator/deputy Title IX coordinator
- Provost and vice provosts
- Director of university-wide student affairs, or designee
- Executive directors and regional operations coordinators
- Deans and associate deans
- Directors and coordinators
- President's Advisory Committee on Security, Threat Assessment team members
- Director of university-wide disability services

Protection and Confidentiality

Nothing in this report will be construed to permit the university, or an officer, employee or agent of the university, participating in any program under this title to retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual with respect to the implementation of any provision of this document.

Empire State University encourages students, faculty, and staff to report all criminal activity that has occurred at an Empire State University location. The report of the criminal activity may be anonymous and the person may request confidentiality.

Disclosure of Policy Statement: Policy for Preparing and Reporting the Annual Disclosure of Crime Statistics

The Office of Safety and Security, in conjunction with the Office of Academic Affairs, Office of Administration, and local law enforcement agencies, prepares this report to comply fully with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation.

Campus crime, arrest, and referral statistics include those reported to the Office of Safety and Security, and designated campus officials (including Office of Administration, Office of Academic Affairs, Office of the President, Office of Human Resource, academic deans, executive directors), and local law enforcement entities. Crimes are reported that

occur on campus, on locations that are contiguous to the campus, and buildings or properties that are either owned or controlled by a campus affiliated entity.

University policy encourages every member of the campus community to report a crime promptly. Information is available and is provided to individuals in reference to voluntary confidential reporting procedures in the event a person does not want to pursue action either within the federal or state criminal justice system or within the university's discipline system. A procedure is in place to capture crimes statistics, which are disclosed anonymously to Office of Safety and Security.

The data for the annual crime statistics is monitored daily. Every Empire State University campus has a designated campus security authority. The campus security authority, upon receiving notification of a criminal incident on Empire State University property, will verify the circumstances and put the information into the appropriate database. These crime statistics will be published as part of the Empire State University Annual Security Report. Current data also can be disseminated upon request. The campus security authority will inform the Office of Safety and Security on an annual basis upon request the crime statistics reported to them for the previous calendar year. Data received from local law enforcement is compared to the university's internal database to ensure accurate reporting.

Each year, an email notification is made to all enrolled students, faculty, and staff that lists the website to access this report. Copies of the report also may be obtained at the Office of Safety and Security located at 2 Union Ave., Saratoga Springs NY 12866-4390. All prospective students may obtain a copy by calling the Office of Safety and Security, the undergraduate or graduate admissions office, or by visiting the Office of Safety and Security (<http://www.sunyempire.edu/SafetyandSecurityAnnualReport/>) website.

All prospective employees may obtain a copy by calling the Office of Safety and Security or by visiting the above website.

Of note, the federal Clery Act may define a particular crime differently than it is defined under the New York State Penal Code. For the purposes of this report, the university uses the Clery Act definitions of crimes. Please see herein for the Clery Act definitions.

Daily Crime Log

In accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Empire State University maintains a "daily crime log." The information contained in this log identifies incidents and/or crimes reported to the Office of Safety and Security, occurring on or near a university facility. The information contained in this log identifies, but is not limited to, the nature of the crime reported to security or law enforcement, dates and times the incident was reported and occurred, the general location of the incident or crime, and the disposition of the complaint if known. The crime log is available for public viewing during normal business hours at the Office of Safety and Security in Saratoga Springs. The log also may be viewed at one of our regional locations, upon request through the executive director's office. The most recent 60-day period is open to public inspection, upon request, during normal business hours. Anyone may ask to see the log, whether or not they are associated with the university.

Timely Warning Procedures

Timely Warnings and Emergency Notifications to the University Community, Procedure

What Constitutes an "Emergency" at Empire State University?

Below is a list of emergency situations identifying the most common types of emergency notifications. Any emergency where the health and/or human safety at Empire State University are in question may constitute an "emergency." The list is not inclusive:

- *Bomb threat* – Based on credible intelligence that indicates a threat.
- *Civil disturbance* – Disruption of normal university activities by a group of people.
- *Fire* – Fire to building(s), wildfires, local community or industry that may endanger university students, faculty, staff or property.
- *Hazardous material* – Dangerous material that is chemical, biological or nuclear spreading from a contained area.
- *Major road closing/incident* – Unanticipated event that would disrupt safe passage to and from university.
- *Medical emergency* – Pandemic or an event with mass casualties.
- *Personal safety* – Situations that include use of weapons, violence, perpetrator(s) at large, active shooter, and hostage situation or missing persons. Any situation, on or off university locations that, in the judgment of the local authorities, the university president or his designee, constitutes an ongoing or continuing threat to person or property.
- *Suspicious package* – Reasonable belief that a package may contain chemical, biological, explosive, radiological or nuclear substance that would cause harm to persons or property.
- *Utility failure* – A major disruption or damage to utilities including gas, electrical or water.
- *Weather* – Severe weather conditions to include flooding, snow/ice/cold, thunderstorm, wind, tornado or hurricane.
- *Natural disasters* – Such as earthquakes.

Ways to Communicate These Issues

For Safety Related Issues

Methods of communication will be chosen based on the nature of the incident. The vice president for administration and/or assistant vice president for communications will make a decision, on notification methods.

For General Notification

- Email to all students and/or faculty/staff affected.
- Postings in university facilities, and on campus as applicable to the incident. Postings can be emailed as attachments to various offices as indicated below.
- Delivery of hard-copy notification to all university offices
- Empire State University's Safety & Security Notifications
- Posting of notification on Office of Safety and Security
- Text messaging, if applicable
- Social media sites
- Post to MySUNYEmpire and Exchange

For Non-Life Threatening Health Related Issues

- Letters to students, faculty, and staff
- Posting of notification on the Empire State University (<http://www.sunyempire.edu>) website.

Procedure to Follow

For information that is believed to be of interest or concern to the entire university population, the executive vice president for administration will typically notify the Office of the President in advance of sending a university-wide notification.

What warrants a “timely warning” or “emergency notification?”

Empire State University will issue timely warnings for a specific university location or university-wide, depending on the circumstances. Whenever a crime is reported to the Office of Safety and Security, or a local police agency, represents a serious or continuing threat to students and employees, a timely warning will be sent to the entire affected community.

Emergency Notifications will be issued, when the university is made aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees at a specific university location. Emergency notifications may be targeted at the segment or segments of the university community that are at risk, as appropriate. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The vice president for administration, or in his or her absence, the assistant vice president for administration, in conjunction with the director of Safety and Security and emergency management, and/or other university and non-university officials as appropriate, will confirm the existence of a situation that may warrant a timely- warning notification and determine the extent of the notification as appropriate. In addition to criminal incidents, emergency notifications may be issued in situations such as, but not limited to:

Safety Related Issues

- An incident that occurs in close proximity to any of the university campuses that may potentially affect the personal safety and security of our student, faculty, and staff population.

Health Related Issues

- A member of our population is diagnosed with a serious or life threatening communicable/infectious disease.
- Evidence of bio-terrorism.

Emergency Preparedness, Response, and Evacuation Procedures

In the event that a situation arises, either on or off campus, that, in the judgment of the director of Safety and Security and emergency management, in conjunction with the vice president for administration/ designee, constitutes an ongoing or continuing threat to the campus population, a university-wide timely warning will be issued.

Emergency Management Plan Synopsis

This university-wide Comprehensive Emergency Management Plan is designed to outline a plan of action so that emergencies can be dealt with immediately in a logical and coherent manner. The intention of the Emergency Management Plan is not to establish policy, but to create a framework that will allow an immediate response to an emergency.

This plan is the result of the recognition by university officials that there is a responsibility to manage emergency and disaster situation on campus and coordinate with all Safety and Security and local government officials. The university recognized that a comprehensive plan was needed which was compliant with HSPD-5, including the National

Incident Management Systems (NIMS). The plan also must be consistent with, and closely linked to, county and state plans.

The Comprehensive Emergency Management Plan designates university security, public safety, and local police as the initial contact for reporting all emergency situations and as the central point of communication during the response and resolution of all emergencies.

The Comprehensive Emergency Management Plan is designed to maximize human survival and preservation of property, minimize danger, restore normal operations to Empire State University and assure responsive communications with the university campus community, surrounding regions and the cities in which we function within.

This plan is set in operation whenever a natural or induced emergency reaches proportions that cannot be handled by established measures.

A crisis may be sudden and unforeseen, or there may be varying periods of warning. This plan is intended to be sufficiently flexible to accommodate contingencies of all types, magnitudes and duration.

The Empire State University Comprehensive Emergency Management Plan is put into effect whenever a crisis, man-made or natural, disrupts operations, threatens life, creates major damage, or occurs within the university community and its environments.

Emergency Response and Evacuation Procedures

Under the university-wide Comprehensive Emergency Management Plan (CEMP), the university practices regular emergency evacuation drills and fire safety drills.

An emergency or crisis situation can arise at Empire State University any time and from many causes. Emergencies can range from chemical spills, and fires to bomb threats and explosions, natural disasters, and civil disturbances such as riots or labor unrest.

The Empire State University, university-wide Comprehensive Emergency Management Plan is a procedural document, which incorporates the Incident Command System for organizing, coordinating, and directing available resources toward the control of an emergency. The plan includes a chain of command establishing the authority and responsibility of various individuals. In emergencies, procedures sometimes must be changed at an instant's notice; therefore, responsible and knowledgeable persons who know the procedures have the authority to make necessary modifications.

Procedure to follow

For information that is believed to be of interest or concern to the entire university population, the threat-assessment team, in conjunction with the Office of Safety and Security, and the vice president for administration, will typically notify the Office of the President in advance of sending a university-wide notification.

The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Empire State University's Safety & Security Notifications

In the event of an emergency involving an immediate threat to the health or safety of our students, faculty, and staff, Empire State University will notify the campus community without delay. These actions are in

accordance with the federal Clery Act. Warnings may be withheld only if they compromise efforts to contain the emergency.

SUNY Empire uses the Everbridge mass notification system to quickly communicate to our university community in the event of an emergency or critical incident. Each student, faculty, and staff member are automatically registered for this emergency mass notification system and will receive alerts on their university email account.

To update your contact options, please visit the Verify your Notification and Alert Contact Information (https://banner.sunyempire.edu/BannerExtensibility/customPage/page/ESC_EmergencyNotification/) webpage. You'll have the option to have emergency notifications sent to your personal email accounts and additional phone numbers. You can add or update additional contact information at any time using your Banner page.

Empire State University Community Responsibility

SUNY Empire uses the Everbridge mass notification system to quickly communicate to our university community in the event of an emergency or critical incident. Each student, faculty, and staff member are automatically registered for this emergency mass notification system and will receive alerts on their university email account.

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Empire State University Locations on SUNY or Community College Campuses

- All Empire State University locations residing on a SUNY college campus are required to adhere to that respective college's emergency notification system when incidents occur.
- The executive director or designee should immediately notify the Office of Safety and Security at the Coordinating Center when Empire State University employees are notified of an incident on a SUNY college campus that requires that they take action.

Building Security

Access to Facilities and Security of Building

Most university locations are open to the public during normal business hours. At night and during periods when classes are not in session, university buildings are generally locked. A security access card system is utilized at various locations. Faculty, staff, and a limited number of students, with proper identification are issued keys/access cards to gain entry into buildings. Individuals assigned access cards or keys are responsible for reporting them missing, lost, and/or stolen. Saratoga Springs locations offer a key card access control system for all employees to utilize in gaining access to secure facilities. Additionally, other monitoring devices have been employed to assist with the overall general safety of the community.

Empire State University utilizes various facilities statewide, security at each of our locations may vary slightly depending on existing infrastructure and in-building services provided by individual landlords. Specific questions on a particular locations security may be directed through the Office of Safety and Security or the executive director, or the regional operations coordinator's office for that specific location.

Campus Facilities

The university's goal is to provide a campus environment that is as safe and secure as possible. Generally, campus buildings and facilities are not only accessible to members of the campus community but also to the public during normal business hours of 8 a.m. to 5 p.m. During non-business hours, 5 p.m. to 8 a.m., classrooms and office buildings not in use will remain locked. The university details additional access control and building operations under procedures for Security and Access to Campus facilities.

Note: The University operates various locations after normal business hours for the purposes of the university mission; executive directors, and regional operations coordinators have discretion to operate outside of normal business hours.

Security and Access to Campus Facilities Procedure Policy Statement

Empire State University establishes procedures to ensure the safety of its students and employees.

All procedures follow these basic principles.

- *Normal business hours:* 8 a.m. to 5 p.m., Monday through Friday. Main entrances to facilities will be open and auxiliary entrances shall remain secured unless otherwise accommodated for. Facilities that host after-hour events or provide student instructional services may opt to have entrance times vary. The office manager and executive director of the location are responsible for variances in times. Additionally, at the discretion of the executive director and regional operations coordinator, hours of operation, may vary.
- *Holidays and other university closings:* All facilities will be closed and secured during state-recognized holidays. Alarm systems will be armed for 24 hours during these dates. Only university personnel with authorization privileges shall be permitted access to the building.
- *Special considerations:* Empire State University hosts various functions and during these times facilities operate on limited staffing. When a facility remains open the receptionist area of the main entrance will be staffed when possible. In buildings with card access, personnel will utilize this option for access to the facilities. Example – During an event such as the All College Conference in Saratoga Springs, the shipping and receiving area will be the primary point of delivery for all university deliveries during times of reduced staffing.

Other General Information

Visitors and Vendors

All visitors are required to utilize main entrances to facilities. They are then required to sign in at the receptionist desk and obtain a visitor/vendor pass for the day. The receptionist will then contact the individual being sought to notify them of the arrival of their visitor(s).

Employees who organize meetings and events after normal working hours are responsible for the facility while the meeting is in session and for ensuring that the building is secured when they leave. The executive director and regional operations coordinator and/or office manager of remote locations will oversee access and grant privileges. Please also refer to the Building Use Policy. The employee-identification card should be visibly displayed at all times while in university-controlled facilities or while at functions organized by Empire State University.

Access Control and Security System

The purpose of the Access Control and Security System is:

- To improve the security of facilities with an effective policy;
- To comply with university-wide crime prevention and control objectives;
- To enable Empire State University to safeguard the work facilities;
- To simplify locking policies;
- To eliminate key duplication;
- To eliminate unauthorized access;
- To eliminate the necessity of emergency re-keying and re-coring; and
- To satisfy security concerns of students, faculty, and staff.

Empire State University Student ID Number

At Empire State University, your social security number will not be used as your student identifier. You will be assigned a registration number, which will be used to identify your records at the university.

Physical Maintenance of Facilities

The overall maintenance of locations in Saratoga Springs is conducted through the Office of Administration and Facilities. Deficiencies found at Saratoga Springs locations are to be reported to Facilities at 518-587-2100, ext. 2925. The Office of Safety and Security, in conjunction with Facilities, conducts periodic safety inspections. Overall hazards are identified and corrected. Physical security, lighting, and general safety items are identified and addressed in a timely manner.

Physical deficiencies or hazards found or identified at other Empire State University locations must be reported directly to the executive director or regional operations coordinator. The individual maintenance companies or property owners of that respective site correct the deficiencies identified. However, any emerging hazard or deficiency that is of a critical nature also should be reported to the Office of Safety and Security in Saratoga Springs at 518-587-2100, ext. 2800.

Security Programs

Crime Prevention Programs

The university provides specialized trainings and crime prevention programs primarily for faculty and staff on an ongoing basis. No formal crime prevention programs for students exists at this time, however, security prevention links are listed on the Empire State University (<http://www.sunyempire.edu>) website.

Empire State University is a non-residential university campus. Students are mature adults who live and work in their own communities; many of these communities publicize safety measures and crime prevention information. The Office of Safety and Security (<http://www.sunyempire.edu/safety-security/>) website has direct links to local police agencies across New York state, some of these agencies may list information on personal safety initiatives.

All employees are advised of building security procedures, personal safety awareness, and workplace/domestic violence programs when they begin employment with the university during "new employee orientation" sessions.

Annual notification regarding specific policies and procedures can be found within this section of the catalog. Specific policy information regarding "Workplace Violence and Domestic Violence" may be located at the Safety and Security website.

Off-campus Criminal Activity

Empire State University is a non-residential university with no dorms or off-site housing. Off-site groups or associations in a living environment

associated with the university do not exist. The Office of Safety and Security works frequently and collaboratively with local law enforcement to identify crimes or incidents that occur on or near university facilities. All events conducted in conjunction with Empire State University, which take place off premises, are considered university events and must follow procedures and codes of conduct in adherence with university policy.

Campus Sex Crimes Prevention Act of 2000

The act sets requirements for sexual offender registration and community notification. The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. It requires sex offenders, already required to register in a state, to provide notice of each institution of higher education in that state in which that person is employed, carries on a vocation or is a student. The act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Information is listed at the New York Division of Criminal Justice Services' Sex Offender Registry (<http://www.criminaljustice.ny.gov/>). You may also contact the NYS DCJS Sex Offender Registry at 518-457-5837 or 800-262-3257.

Sexual Offender Registry

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The registry contains information on classified sex offenders according to their risk of re-offending: Low risk (level 1), moderate risk (level 2), and high risk (level 3). The act requires that the division also maintain a sub-directory of level 3 sex offenders. The DCJS Sex Offender Registry site may be found on the web and contains their sub-directory of level 3 sex offenders as well as other information regarding the New York State Sex Offender Registry (referred to as "the registry").

Sex offenders registered in New York are now required to notify the registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending, or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education also must be reported to the registry no later than 10 days after such change.

Empire State University will maintain a website link to the New York State Sex Offender Registry and local law enforcement that maintain listings of registered sex offenders.

Correction Law §168-b requires that Division of Criminal Justice Services (DCJS) include this information regarding an institution of higher education on its registry.

Sexual Assault, Domestic Violence, Dating Violence and Stalking Prevention, and Response Policies

Empire State University is committed to maintaining a safe environment that is supportive of its primary educational mission and free from all exploitation and intimidation. The university will not tolerate sexual harassment, sexual assault or any other form of non-consensual sexual activity to include dating violence, domestic violence, and/or stalking.

It is essential that students who are sexually assaulted receive support and medical treatment as soon as possible. This document outlines the policies and procedures that will allow members of the university community to be effective at referring victims of assault to medical,

psychological, and legal resources. The university's Student Code of Conduct provides additional information for students.

This policy reflects SUNY's Policies on Sexual Violence Prevention and Response and is in compliance with NYS law, chapter 75 of the laws of 2015.

Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence 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. Empire State University recognizes that students who have been drinking and/or using drugs, whether voluntarily or involuntarily, at the time that violence, including, but not limited to domestic violence, dating violence, stalking or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Empire State University strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to university officials. A bystander or reporting individual acting in good faith, who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Empire State University officials or law enforcement, will not be subject to the university's code of conduct for violations of alcohol and/or drug use policies at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Campus Climate Assessment Policy

Student Climate assessments will be conducted every two years to provide university administrators the opportunity to better understand student concerns and to make informed decisions about providing a safe educational environment. (Refer to SUNY Sexual Violence Prevention and Response Policies (<http://system.suny.edu/sexual-violence-prevention-workgroup/policies/>))

Students' Bill of Rights

The State University of New York and Empire State University are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in university-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- Be free from retaliation by the institution, the accused, and/or the respondent, and/or their family, friends, and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the university.

Sexual Violence Response Policy

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below.

1. Reporting

- To disclose an incident confidentially to the university's student counseling service (or EAP for employees): The university contracts with a private, third-party counseling service, Talk One-2-One (<http://www.studenttalkone2one.com>). This service is a free 24 hour/7 days a week confidential service, which provides licensed counselors for phone or face-to-face counseling. Contact Talk One-2-One at their website or call, 800-756-3124.
- To disclose the incident and obtain confidential services from New York State, contact New York City or county hotlines (<http://www.opdv.ny.gov/help/dvhotlines.html>). Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence (<http://www.opdv.ny.gov/help/>) and presented in several languages on their website or call 800-942-6906. Assistance also is available through the following organizations.
 - SurvJustice (<http://survjustice.org/our-services/civil-rights-complaints/>)
 - Legal Momentum (<http://www.legalmomentum.org>)
 - New York State Coalition Against Sexual Assault (<http://nyscasa.org/responding/>)
 - New York State Coalition Against Domestic Violence (<http://www.nyscadv.org>)
 - Pandora's Project (<http://www.pandys.org/lgbtsurvivors.html>)
 - GLBTQ Domestic Violence Project (<https://www.bwjp.org/>)
 - Rape, Abuse and Incest National Network (<http://www.rainn.org/get-help/>)
 - Safe Horizons (<http://www.safehorizon.org>)

(Note: These hotlines are for crisis intervention, resources and referrals, and are not reporting mechanisms; disclosure during a call to a hotline does not provide information to the campus. Reporting individuals are encouraged to additionally contact a confidential campus or private resource, so that the university can take appropriate action.)

- To disclose the incident to a university official, who can offer privacy and provide information about remedies, accommodations, evidence preservation, and how to obtain

resources. Those officials also will provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the university from retaliation, and to receive assistance and resources from the university. Note, university officials will disclose that they are private and not confidential resources and may still be required by law and university policy to inform one or more university officials about the incident, including but not limited to Title IX coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures and that questions about the penal law or criminal process should be directed to law enforcement or district attorney.

- Office of Safety and Security, 518-587-2100, ext. 2800, 2 Union Ave., Saratoga Springs, NY 12866-4390;
- Title IX Coordinator, Lindsay Holcomb, email TitleIX@sunyempire.edu or call 800-847-3000, Ext. 1009;
- Local law enforcement office: List of US State and Local Law Enforcement Agencies (https://en.wikipedia.org/wiki/List_of_United_States_state_and_local_law_enforcement_agencies/)
- State police 24-hour hotline to report sexual assault on a New York college campus, 844-845-7269
- To receive assistance from the university Title IX coordinator in initiating legal proceedings in family court or civil court, email Lindsay Holcomb at TitleIX@sunyempire.edu or call 800-847-3000, ext. 1009.
- To file a report of sexual assault, domestic violence, dating violence and/or stalking, and/or talk to the Title IX coordinator for information and assistance. Reports will be investigated in accordance with university policy and the reporting individual's identity shall remain private at all times, if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity private, he or she may call the Title IX coordinator anonymously to discuss the situation and available options at Lindsay Holcomb, Office of Human Resources, Empire State University, 1 Union Ave., Saratoga Springs NY 12866-4390, 800-847-3000, ext. 1009, or email TitleIX@sunyempire.edu
- When the accused is an employee, a reporting individual also may report the incident to the Office of Human Resources, or may request that one of the above-referenced private employees assist in reporting to the Office of Human Resources [2 Union Ave., Saratoga Springs, NY 12866-4390; 518-587-2100, ext. 2240]; all incidents will be shared with the Title IX coordinator. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements.
- When the accused is an employee, affiliated entity or vendor to the university, university officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona-non-Grata letter, subject to legal requirements, and university policy.
- The reporting individual may withdraw a complaint or involvement from the university process at any time.

2. Resources

- To obtain effective intervention services.
 - Counseling Services: Visit the Talk One-2-One (<http://www.studenttalkone2one.com>) website or call

800-756-3124. This is a free and confidential third-party, certified counseling service.

- Sexual contact can transmit sexually transmitted infections and may result in pregnancy. Testing for STIs and emergency contraception is available at various external locations. For confidential, private, affordable same-day STI testing clinics in your local area, call 888-380-5571 (6 a.m.-10 p.m., 7 days a week).
- Other applicable services are available from local hospitals and clinics. Please refer to resources identified in the Reporting section above.
- Within 96 hours of an assault, you can get a sexual assault forensic examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services (<https://ovs.ny.gov/>) may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information can be obtained by dialing 800-247-8035, or visiting their website.
- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

3. Protection and Accommodations

- When the accused is a student, he or she may request to have the university issue a "No Contact Order," consistent with university policy and procedure, meaning that continuing to contact the protected individual is a violation of university policy, and subject to additional conduct charges. If the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. When a No Contact Order is put in place in cases involving domestic violence, dating violence, sexual assault or stalking, both the accused and the reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with university policy. Parties may submit evidence in support of their request.
- To have assistance from the Office of Safety and Security or Title IX coordinator in initiating legal proceedings in family court or civil court, including, but not limited to, obtaining an Order of Protection or, if outside of New York state, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a university official who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including, but not limited to, arrest, additional conduct charges, and interim suspension.
- To have assistance from the Office of Safety and Security when an individual violates an Order of Protection or to call on

and assist local law enforcement in facilitating an arrest for violating such an order.

- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subjected to interim suspension, pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.
- When the accused is not a member of the university community, to have assistance from the Office of Safety and Security or other university officials in obtaining a persona-non-Grata letter, subject to legal requirements, and university policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, or other applicable arrangements, in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following offices can assist with these measures:

Lindsay Holcomb
 Director of Human Resources
 Title IX Coordinator
 Office of Human Resources
 Empire State University
 1 Union Ave.
 Saratoga Springs, NY 12866-4390
 800-847-3000, ext. 1009
 TitleIX@sunyempire.edu

Mark Spain
 Director of Safety and Security
 Office of Safety and Security
 Empire State University
 2 Union Ave.
 Saratoga Springs, NY 12866-4390
 518-587-2100, ext. 2800

4. Student Conduct Process

To request that student-conduct charges be filed against the accused: Conduct proceedings are governed by the procedures set forth in the Empire State University undergraduate and graduate catalogs as well as federal and New York state law, including the due process provisions of the United States and New York state constitutions.

- Throughout conduct proceedings, the respondent, and the reporting individual will have:
 - The same opportunity to be accompanied by an advisor of their choice, who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Federal law and the Student Code of Conduct govern participation of the advisor in any proceeding.
 - The right to a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing he or she is required or eligible to attend. Accused individuals will be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated and possible sanctions.
- The right to due process concurrent 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.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file, or otherwise held by the university.
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/video conferencing, or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process, or their own mental health diagnosis or treatment that may determine responsibility. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and, via the decision maker, indirectly request responses from other parties, and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and sanctions.
- The right to 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.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- Office of Human Resources, 1 Union Ave., Saratoga Springs, NY 12866-4309; Lindsay.Holcomb@sunyempire.edu (Kerianne.Silver@sunyempire.edu), 518-587-2100

- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release, until the appeals panel makes a final determination, unless otherwise required by law.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and Empire State University want students to get the information and support they need, regardless of whether they move forward with a report of sexual violence to university officials, or to police. Students are encouraged to talk with someone about something they have observed or experienced, even if they are unsure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Privileged and Confidential Resources

Individuals who are confidential resources will not report crimes to law enforcement or university officials without the victim's permission, except for extreme circumstances, such as a health and/or safety emergency. At Empire State University, a confidential service includes an off-campus professional counseling service: Talk One-2-One (<http://www.studenttalkone2one.com>) (800-756-3124). This is a free, confidential, third-party, certified confidential counseling service.

Off-campus options to disclose sexual violence confidentially include*:

- Off-campus counselors and advocates**
 - o Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
 - o New York State Coalition against Sexual Assault (<http://nyscasa.org>)
 - o Sexual Assault Nurse Examiner (SANE) at local hospitals and programs
- Off-campus healthcare providers
- Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services (<https://ovs.ny.gov/>) may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found on their website or call 800-247-8035.

* Note: These outside options do not provide any information to the campus.

** Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Privacy versus Confidentiality

Even Empire State University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Empire State

University will limit the disclosure as much as possible, even if the Title IX coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How Empire State University Will Weigh the Request and Respond

If an incident is disclosed to an Empire State University employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, or do not consent to the university's request to initiate an investigation, the Title IX coordinator must weigh the request against their obligation to provide a safe, nondiscriminatory environment for all members of our community, including the reporting individual.

The university will assist in making academic, employment, and other reasonable and available accommodations, regardless of the reporting individuals reporting choices. While reporting individuals may request accommodations through various university offices, the following office serves as a primary point of contact to assist with these measures: Lindsay Holcomb, Title IX Coordinator, Empire State University, 1 Union Ave., Saratoga Springs NY 12866-4390; 800-847-3000, ext. 1009; TitleIX@sunyempire.edu

The university may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the reporting individual or the situation they disclosed.

The university may seek consent from reporting individual prior to conducting an investigation. The reporting individual may decline to consent to an investigation, and that determination will be honored unless the university's failure to act does not adequately mitigate the risk of harm to you or other members of the university community. Honoring such request may limit the university's ability to meaningfully investigate and pursue action against an accused individual. If the university determines that an investigation is required, the reporting individual will be notified and immediate action will be taken, as necessary, to provide protection and assistance.

When a reporting individual discloses an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, Empire State University will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking
- The increased risk that the accused will commit additional acts of violence
- Whether the accused used a weapon or force
- Whether the reporting individual is a minor
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location, or by a particular group.

If the university determines that it must move forward with an investigation, the reporting individual will be notified and the university will take immediate action, as necessary, to protect and assist him or her.

Public Awareness/Advocacy Events

If an individual discloses a situation through a public awareness event, such as "Take Back the Night," candlelight vigils, protests through a

student organization or other event or forum, or other public event, the university is not obligated to begin an investigation. Empire State University may use the information provided to inform the need for additional education and prevention efforts.

Anonymous Disclosure

New York State Hotline for Sexual Assault and Domestic Violence:
800-942-6906

Institutional Crime Reporting

Reports of certain crimes occurring in certain geographic locations will be included anonymously in the university Clery Act Annual Security Report that neither identifies the specifics of the crime or the identity of the reporting individual. Contact information:

- Director of Safety and Security and emergency management, 518-580-2900
- Title IX coordinator, 800-847-3000, ext. 1009

Empire State University is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act (FERPA) allows institutions to share information with parents when: 1) there is a health or safety emergency, or 2) when the student is a dependent on either parent's prior year federal income tax return. Generally, SUNY Empire will not share information about a report of sexual violence with parents without the permission of the reporting individual.

Definitions

- *Accused*: A person accused of a violation who has not yet entered the university's judicial or conduct process.
- *Affirmative consent*: Refer to definition on page 4 of this document.
- *Bystander*: 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.
- *Bystander intervention*: Involves developing the awareness, skills, and courage needed to intervene in a situation when another individual needs help. Bystander intervention allows individuals to send powerful messages about what is acceptable and expected behavior in our community.
- *Code of Conduct*: The written policies adopted by the university governing student behavior, rights, and responsibilities while at the university.
- *Confidentiality*: May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to university officials, in a manner consistent with state and federal law, including, but not limited to, 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers, and pastoral counselors are examples of individuals who may offer confidentiality. University faculty and staff are mandated to report known incidences of sexual assault or other crimes to appropriate university officials, but are considered private sources. See definition of "Privacy" below.
- *Preponderance of the evidence*: The standard of proof in sexual harassment and sexual assault cases, which asks whether it is "more likely than not" that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, the accused should be found responsible.
- *Privacy*: May be offered by an individual when he or she is unable to offer confidentiality under the law, but shall not disclose information about a crime or incident learned from a reporting individual or bystander more than is necessary to comply with this and other applicable laws, including informing appropriate university officials.
- *Responsible employee*: An employee with the authority to redress sexual violence, who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate university official, or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, then the university is considered on notice of that sexual violence.
- *Reporting individual*: Victim, survivor, complainant, claimant, witness with victim status, and any other term used by the university to reference an individual who brings forth a report of a violation.
- *Retaliation*: Adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.
- *Respondent*: A person accused of a violation who has entered the university's judicial or conduct process.
- *Sex discrimination*: Includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others, whether or not the harassment occurs on a SUNY campus or during work hours. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.
- *Sexual activity*: Shall have the same meaning as "sexual act" and/or "sexual contact," per 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).
- *Sexual assault*: Physical sexual act(s) committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including "date rape" and "acquaintance rape"), fondling, statutory rape, and incest. For statutory rape, the age of consent in New York state is 17 years old.
- *Sexual harassment*: Unwelcome, gender-based verbal, nonverbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and based on power differentials, the creation of a hostile environment, or retaliation.
- *Sexual violence*: Physical sexual acts perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including, dating violence, domestic violence, and sexual assault (including rape).

- *Stalking*: Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety, or the safety of others, or causes that person to suffer substantial emotional damage. Examples include repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such person(s), and that serve no legitimate purpose, and repeatedly communicating, by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.
- *Title IX coordinator*: Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sec., 1681, et seq., states that all students have equal educational opportunity free from sex discrimination, including sexual harassment and sexual assault. The Title IX coordinator is responsible for the university's compliance with this regulation including, but not limited to, systematically monitoring and evaluating policy and procedures that effectively, and efficiently respond to complaints of sex discrimination. Individuals with questions or concerns related to Title IX may contact the Title IX coordinator, Lindsay Holcomb: email TitleIX@sunyempire.edu or call 800-847-3000, ext. 1009.

The Title IX coordinator is either the official coordinator, or his or her designee or designees.

Lindsay Holcomb
 Director of Human Resources
 Title IX Coordinator
 Office of Human Resources
 Empire State University
 1 Union Ave.
 Saratoga Springs, NY 12866-4390
 800-847-3000, ext. 1009
 TitleIX@sunyempire.edu

Mark Spain
 Director of Safety and Security
 Office of Safety and Security
 Empire State University
 2 Union Ave.
 Saratoga Springs, NY 12866-4390
 518-587-2100, ext. 2800
 Mark.Spain@sunyempire.edu

Bias-Related Crime and Hate Crime

Empire State University takes bias crimes seriously. The university provides the following information to students and employees to assist in the prevention of and response to bias crimes. This statement meets the requirements of the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available on the Empire State University (<http://www.Bias-Related Crime and Hate Crime.edu>) website.

Bias Crimes, Definitions

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race religion, ethnicity, gender identity, sexual orientation, national origin or disability.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender.

If you are the victim of, or witness to, a hate/bias crime at a university location or event, report it to the appropriate local police agency. Since university services are delivered through locations across the state and the university does not have its own police force, we rely on local law enforcement to respond to reported crimes at our locations.

Bias-Related Incidents or Crimes

Bias incidents directed at a member of a group within Empire State University that does not rise to the level of a crime include bigotry, harassment or intimidation based on national origin, ethnicity, race, age, religion, gender identity, sexual orientation, disability, veteran status, color, creed or marital status. Such incidents may be addressed through the State University's Discrimination Complaint Procedure or the university's Student Conduct Policy and Procedures. Bias incidents can be reported to the following individual.

Lindsay Holcomb
 Title IX Coordinator
 Office of Human Resources
 Empire State University
 1 Union Ave.
 Saratoga Springs, NY 12866-4390
 800-847-3000, ext. 1009
 TitleIX@sunyempire.edu

Victims of bias crimes or incidents may seek counseling services from their own health care providers. The university does not offer on-site counseling services.

Drug and Alcohol Prevention Program Standards of Conduct

Empire State University policy prohibits the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by students and employees on university property or as part of the university's activities. The university has a wellness website which informs students about addiction and where to obtain assistance. In addition, sessions are offered at the student wellness retreat covering drug and alcohol prevention and recovery.

Employees may seek additional information on the Office of Human Resources (<http://www.sunyempire.edu/HR/>) website.

Health Risks

There are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control, and withdrawal syndrome, as well as serious damage to vital organs of the body can result from drug and alcohol abuse. Further information is available from regional locations or the Office of Academic Affairs (<https://www.sunyempire.edu/academic-affairs/>).

Federal, State, and Local Legal Sanctions

Conviction for possession and sale of controlled substances carries a number and variety of penalties under New York State Penal Law (<http://ypdcrime.com/penal.law/>). These range from fines to prison terms of 15 years to life, depending upon the nature of the substance, the criminal act and the character of the crime. Federal Trafficking Law convictions also carry a variety of penalties, which range from five to 30 years in prison and substantial fines. These sanctions are described in materials, which are available at the regional locations or the Office of Academic Affairs.

Disciplinary Sanctions – Students

A student accused of possession/use of or distribution of alcohol or drugs will be subject to the university's Student Conduct Policy and

Procedures in the catalog. Sanctions for those found responsible may include written warning, suspension or expulsion.

Alcohol Policy

Alcohol and Drug Use in the Workplace

In compliance with the Federal Drug Free Schools and Communities Act of 1988 and the New York State Policy on Alcohol and Controlled Substances in the Workplace, the Empire State University policy prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, and the abuse of alcohol by students and employees on university property or as part of the university's activities.

New York state prohibits on-the-job use of, or impairment from, alcohol and controlled substances.

Campus Drug Policy

Empire State University is committed to promoting a drug-free campus environment.

Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), all students and employees are advised that individuals who violate federal, state, or local laws and campus policies are subject to university disciplinary action and criminal prosecution. Local police have full authority to enforce all federal and state drug laws.

New York State Law

Articles 220 and 221 of the New York State Penal Law set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold. The Student Code of conduct also may apply.

Fire Safety, Fire Related Information

Empire State University fully recognizes its responsibility to provide both awareness and safety training for faculty, staff, and students and undertakes an ambitious program each year. Fire safety and emergency training for faculty and staff begins with discussions about fire prevention and safety during orientation programs. The NYS Office of Fire Prevention and Control (<http://www.dhses.ny.gov/ofpc/>) conduct annual fire inspections.

Smoking is prohibited inside all university facilities.

Fires, Emergency Building Evacuations, Evacuation for People With Physical Disabilities

In the event of fire, a smoke condition or odor of gas:

- Notify fire departments by accessing an outside line, if applicable, and dialing 911 from any phone or cell phone;
- Activate the nearest alarm pull station as you leave the building;
- Follow evacuation instructions;
- Quickly and calmly evacuate the building from the nearest exit. Do **not** use the elevators;
- Do **not** re-enter a building that is in alarm; and
- Proceed to the previously designated area of refuge and remain there.

Emergency evacuation plans are identified for each university location and posted.

- It is best to have arrangements pre-planned for evacuation assistance. Arrangements can be made to reasonably assure that assistance is provided to anyone who requires it. Contact

the Office of Safety and Security at 518-587-2100, ext. 2800 for pre-plan arrangements or questions.

- **IF you are unable to evacuate, call 911.**
- Remember to never use the elevators.

Medical Emergencies

Access an outside line if applicable and Dial 911

Medical Incidents

Emergencies can happen any place and at any moment. When an emergency arises at Empire State University, it is important to know who to notify to expedite an emergency service response to the incident. Everyone at Empire State University remains a vital link in the network of university and community resources prepared to respond to medical emergencies.

General Safety

Faculty and Staff Members' Roles

Everyone at Empire State University has a basic responsibility for his or her own personal safety; faculty and staff have an increased level of responsibility.

Personal Safety

- *Stairwells and out-of-the way corridors:* Utilize common stairwells and corridors that are traveled most frequently by others.
- *Elevators:* If in an elevator with someone who creates an uneasy feeling, get off as soon as possible.
- *Restrooms:* Be extra cautious when using restrooms that are isolated or poorly lit.
- *After hours:* Don't walk alone late at night. Create a buddy system for walking to parking lots or public transportation.
- *Parking lots or garages:* Always lock the car and roll the windows up all the way. Park in a well-lit area. Carry keys in hand while approaching the vehicle.

Prevention of Crime in the Office

- Use your keys, access card/codes properly.
- Never share them with anyone.
- Don't place personal identification on your key rings.
- Keep your personal keys and your office keys on separate rings.
- Report lost key rings and access card immediately.
- Keep purses or wallets on your person or lock them in a drawer or closet.
- Keep track of serial numbers of any personal items and mark them with your name or initial (i.e., radio).
- Keep coat racks away from entrances/exits to minimize temptation.
- Don't leave your office unattended. Lock it.
- Have your phone forwarded to another person's office or to voice mail.
- Report any lighting deficiencies, broken windows or broken door locks to the facilities maintenance.
- Don't allow repairs to security or communication equipment without verifying a written order from the appropriate supervising office.

Domestic Violence - Workplace Violence Initiative

Executive Order 19, issued on Oct. 22, 2007, requires all state agencies to adopt a Domestic Violence and the Workplace Policy by Aug. 1, 2008. The Office for the Prevention of Domestic Violence (OPDV) has been charged with the responsibility of developing a model policy and sample implementation procedures by Feb. 1, 2008. The workplace violence

initiative program, training outline, and policies Empire State University adheres to are located on the Office of Safety and Security (<http://www.sunyempire.edu/safety-security/>) website. Refer to paragraph **SAFETY PROGRAMS AND SERVICES** regarding safety programs and services for domestic violence and workplace violence.

Weapons Possession

University policy prohibits, unauthorized possession or use of firearms, explosive devices, fireworks, dangerous or illegal weapons, or hazardous materials.

Safety Guidelines for Armed Subjects, Active Shooter Situations

An active shooter is a person who appears to be actively engaged in killing or attempting to kill people in a populated area. In most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims. These situations are dynamic and evolve rapidly, demanding immediate deployment of law enforcement resources to stop the shooting and mitigate harm to innocent victims. This section provides guidance to persons who may be caught in an active shooter situation, and describes what to expect from responding police officers.

What Should You Do

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation.

If you find yourself involved in an active shooter situation, try to remain calm and use these guidelines to help you plan a strategy for survival.

- **If an active shooter is outside your building**, proceed to a room that can be locked, close and lock all the windows and doors, and turn off all the lights; if possible, get everyone down on the floor and ensure that no one is visible from outside the room. One person in the room should call 911, advise the dispatcher of what is taking place, and inform him/her of your location; remain in place until the police or a campus administrator known to you, gives the "all clear." Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.
- **If an active shooter is in the same building you are**, determine if the room you are in can be locked. If so, follow the same procedure described in the previous paragraph. If your room can't be locked, determine if there is a nearby location that can be reached safely and secured, or if you can safely exit the building. If you decide to move from your current location, be sure to follow the instructions outlined below.
- **If an active shooter enters your office or classroom**, try to remain calm; dial 911, if possible; and alert police to the shooter's location. If you can't speak, leave the line open so the dispatcher can listen to what's taking place. Normally the location of a 911 call can be determined without speaking. If there is absolutely no opportunity to escape or hide, it might be possible to negotiate with the shooter; attempting to overpower the shooter with force should be considered a last resort, after all other options have been exhausted. If the shooter leaves the area, proceed immediately to a safer place and do not touch anything that was in the vicinity of the shooter.
- **No matter what the circumstances**, if you decide to flee during an active shooting situation, make sure you have an escape route and plan in mind. Do not carry anything while fleeing; move quickly; keep your hands visible; and follow the instructions of any police officers you may encounter. Do not

attempt to remove injured people; instead, leave wounded victims where they are and notify authorities of their location as soon as possible. Do not try to drive off campus until advised it is safe to do so by police or campus administrators.

What to expect from responding police officers

Police officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard; their purpose is to stop the shooting as quickly as possible. The first responding officers may be dressed in regular patrol uniforms, or they may be wearing external bulletproof vests and helmets, as well as other tactical equipment. The officers may be armed with rifles, shotguns or handguns, and might be using Tasers, pepper spray or tear gas to control the situation. Regardless of how they appear, remain calm, do as the officers tell you, and do not be afraid of them. Put down any bags or packages you may be carrying and keep your hands visible at all times. If you know where the shooter is, tell the officers. The first officers to arrive will not stop to aid injured people; rescue teams composed of other officers and emergency medical personnel will follow the first officers into secured areas to treat and remove injured persons. Keep in mind that even once you have escaped to a safe location, the entire area is still a crime scene; police will usually not let anyone leave until the situation is fully under control and all witnesses have been identified and questioned. Until you are released, remain at whatever assembly point authorities designate.

Firearms Policy

Empire State University (in accordance with the SUNY policies and regulations*) prohibits any person from possessing firearms at any university facility or university sponsored event without the written authorization of the university's chief administrative officer. This policy specifically applies to law enforcement officials who may otherwise be authorized to carry firearms while off duty.

This policy prohibiting the possession of firearms does not apply to law enforcement officials in pursuit of official duty when authorized by federal or state law. For purposes of this policy, law enforcement officers who are required to carry firearms while taking on-duty breaks shall be considered to be in "pursuit of official duty" when on such breaks.

**The following SUNY policies and regulations apply: 8 NYCRR Part 590 – SUNY's regulations relating to firearms; SUNY's Policy for Firearms on State Operated Campuses; 8 NYCRR Part 535 SUNY's regulations for the maintenance of public order.*

Safety Programs and Services

The Office of Safety and Security offers safety programs and services throughout the year and/or upon request. The focus of these programs and services changes depending on the need. Currently, the following are offered:

- **Violence Against Women Act and Workplace Violence Awareness and Prevention Training.** Offered by the Office of Safety and Security and the Office of the President, the training session provides participants with information related to workplace violence, including risk factors, key elements, definition and types of workplace violence, and more. The Office of Safety and Security also conducts training on Active Shooter Threat Awareness/Explosive Threat Awareness throughout the year, and is available to all locations statewide.
- **Publications.** Local police departments have various publications available that address problems such as date rape, alcohol abuse, and theft. Listed on the Safety and Security

website are various links to police agencies across New York that our locations operate within.

- **Lighting.** The university locations are routinely surveyed to ensure that exterior areas are adequately illuminated at night. Trees and shrubs that impair lighting along walks are trimmed as needed.
- **Building Security.** Each individual location operated by Empire State University utilizes various methods of building security. Personnel at university locations are instructed to report any suspicious situations to the police immediately.
- **Collegewide Public Safety Committee.** The committee will assess, evaluate, and monitor the safety and security of the Empire State University community through information gathering, policy review and proposal generation to the administration. The committee is comprised of nine members of the university community and will consist of 50 percent women, one-third students* and one-third faculty.* [Reference SUNY Policy #5401] The committee will convene twice per year. They also will review and make recommendations concerning safety for the university community, meet with the president yearly, as well as submit an annual report.

Drug Prevention Programs Counseling Services

All students have free access to a counselor by phone, 24 hours a day, 7 days a week. No issue is too big or small to call a counselor and discuss. If face to face counseling is needed or requested, the phone counselor will help the student locate a provider. Students are entitled to have five face-to-face sessions at no cost to them. The number to call to access the free Talk One-2-One service that is available to all students for counseling is 800-756-3124.

Standards of Conduct

Empire State University policy prohibits the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by students and employees on university property or as part of the university's activities.

Health Risks

There are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control, and withdrawal syndrome, as well as serious damage to vital organs of the body can result from drug and alcohol abuse. Further information is available from university locations or the Office of Academic Affairs.

Federal, State, and Local Legal Sanctions

Conviction for possession and sale of controlled substances carries a number and variety of penalties under New York state law. These range from fines to prison terms of 15 years to life, depending upon the nature of the substance, the criminal act, and the character of the crime. Federal Trafficking Law convictions also carry a variety of penalties, which range from five to 30 years in prison and substantial fines. These sanctions are described in materials, which are available at the university locations or the Office of Academic Affairs.

Disciplinary Sanctions – Students

A student accused of possession/use of or distribution of drugs will be subject to the university's Student Conduct Policy and Procedures (see page 99). Sanctions for those found responsible may include written warning, suspension or expulsion.

STUDENT CLUBS AND ORGANIZATIONS

The university passed a clubs and organizations recognition policy in March 2010. The development of formally recognized clubs and organizations began shortly after this. Several informal groups meet at the university's regional locations. You should inquire with your student service coordinator for more information about available clubs.

If you are interested in starting a new club or organization at the university, the policy below will get you started. You should contact Kimberly Neher, Associate Director of Alumni and Student Relations, (Kimberly.Neher@sunyempire.edu (Kimberly.Neher@sumyempire.edu)) for more information.

Recognition Policies

I. Only officially recognized organizations may use the name of the State University of New York or Empire State University (the university) for identification purposes, obtain organizational privileges in the use of the university's facilities and services, or imply university sponsorship or approval of their activities.

II. Recognition (or withdrawal of recognition) of a group as a university organization is an executive responsibility of the president, acting on behalf of the chancellor and trustees of the State University of New York. Responsibility for the coordination of policy development and for the administration of recognition procedures in the case of organizations having students as full members is delegated to the director of alumni and student relations. The final decision to grant or withdraw recognition rests with the president or his or her designee.

III. Determination of criteria for membership and for active status is the prerogative of each organization, insofar as it is consistent with state and federal law. No organization may restrict its selection of members or assignment of voting privileges, rank or office based on illegal differentiation or based on an individual's previous affiliations. There will be no discrimination based on race, gender, color, religion, age, national origin, disability or sexual orientation. The names, purposes, and procedures of organizations must reflect this policy of nondiscrimination.

IV. Local affiliates of national organizations must be entirely free to select individual members from among the generally qualified; outside approval shall not be required.

V. Gender-associated or otherwise circumscribed names should not be interpreted as denying or prohibiting membership to any person wishing to join any registered organization, or to participate in its activities. Students are free to select any group of their choosing.

VI. Each group applying for recognition must agree to abide by all regulations of the university and the State University of New York. Applications of original recognition or renewed recognition will be submitted to the director of alumni and student relations. Each application for recognition must include the following information:

- A brief statement of the organization's purpose and proposed activities
- Membership requirements
- Sources of income and costs to members
- Assurance of responsible financial accounting to its membership

- A list of current officers with their addresses and phone numbers, including national or regional officer, if applicable
- Name of university faculty/professional advisor

VII. Any constitution approved by organization members must be submitted to the director of alumni and student relations. All information required in the application for recognition (as detailed above) must be furnished separately.

VIII. Student organization credentials are maintained by Alumni and Student Relations and must be renewed or updated yearly. Failure to renew credentials or to comply with other university regulations will result in temporary or permanent withdrawal of official recognition.

IX. Recognition of student groups by the university will not extend beyond the university facilities. Any activities by student groups beyond university locations are the responsibility of individual students and not campus administration. Events and meetings held at university locations must be approved and registered with the director of alumni and student relations and the dean. The director and relevant dean may approve, for posting purposes only, announcements of off-campus events.

X. Student organizations bringing discredit upon themselves or the university may lose their recognition at the discretion of the president.

XI. Any organization that receives financial assistance from the student activity fee fund must maintain all deposits in an account administered by Alumni and Student Relations. For further information on procedures, please contact Alumni and Student Relations.

Note: All informal groups meeting on a regular or ad hoc basis are not bound by this policy. Any group desiring official university recognition and financial assistance must submit an application and is subject to all policies described above.

GRADUATE TIME LIMIT FOR PROGRAM COMPLETION POLICY

Definitions

Graduate Program: An advanced certificate, master's degree, certificate of advanced study or doctoral degree.

Policy

A graduate program must be completed within six years of initial enrollment. If a student exceeds the six-year time limit, they may be permitted to continue if a waiver is granted.

A waiver of the six-year rule is granted by the dean or designee of the appropriate school. The student needs to make this request in writing and in consultation with their academic advisor and the head of the student's program. While waivers are rare, the dean or designee will consider the request based upon factors such as special hardship, excellence of work and closeness to completion.

GRADUATE TRANSFER, CROSS-REGISTRATION, AND EVALUATED CREDIT POLICY

Definitions

Degree Programs: Academic programs in which the end result is a graduate degree. This definition applies to degrees at the master's and doctoral levels.

Advanced Certificates: A post-baccalaureate certificate composed of graduate level coursework. Advanced certificate study is separate from that of study in preparation for a degree in that a student must apply separately for degree program study.

Certificates of Advanced Study: Post-master's certificate that permits students to further their knowledge through detailed study.

Cross Registration: The act of enrolling in a course(s) at a different institution of higher education while matriculated at Empire State University via the approved cross registration process.

Evaluated Credit: At the graduate level this is credit earned via assessment or prior learning assessment. The ability to earn/use evaluated credit is limited to those graduate programs that permit evaluated credit.

Shared Credit: Credit earned in one Empire State University graduate program that can be used in a different/subsequent Empire State University graduate program.

Transfer Credit: Credit earned at an institution of higher education other than Empire State University used in a SUNY Empire graduate program.

Policy Statements

Students may transfer, cross register, and/or earn evaluated credit for up to a combined total of 12 credits into master's programs, 6 credits into doctoral programs, and up to 3 credits into advanced certificate programs and certificates of advanced study. Students must complete at least 50% of credits toward a degree or certificate of advanced study while a matriculated student in a degree or certificate of advanced study in the School for Graduate Studies or School of Nursing and Allied Health.

To be eligible for consideration, transfer or cross-registration credits must:

- be graduate level, and 7000-level or above for doctoral programs;
- be from a regionally accredited college or university;
- have a final grade of B or better;
- be related to the student's program/content area; and
- be no more than six years old at the time of the student's admission to the graduate program.

A student begins the transfer request process by having an official transcript sent to the university and course syllabus of all credit they wish to be considered sent to the appropriate school:

- For master's programs that require an approved formal degree program (DP), the student discusses transfer credit during degree planning with their advisor. Transfer credit approval is at the discretion of the program faculty.
- For all other programs, requests for transfer credit must be discussed with the student's advisor. Transfer credit approval is at the discretion of the program faculty per the procedures of the relevant school.

Before cross-registering for a course, students should receive approval. Approval is at the discretion of the student's advisor in the School of Nursing and Allied Health. In the School for Graduate Studies, approval varies by division:

- Business, Management and Leadership – At the discretion of the program coordinator, or division chair for programs without a coordinator, in consultation with the advisor.
- Education – At the discretion of the advisor.
- Graduate Liberal Arts and Science – At the discretion of the advisor.

The ability to earn credit by evaluation is determined at the program level. Individual programs that allow for credit by evaluation are identified in the graduate catalog.

See the Graduate Subsequent Programs at the Same Credential Level Policy for specific rules on the use of shared credits from a previously awarded graduate credential.

Schools and individual programs may set lower limits for transfer, cross registration, non-matriculated, and evaluated credit. See the graduate catalog for individual program limits.

Students may appeal any decision made about transfer credit as outlined in the academic appeals policy and procedures.

GRADUATE ENROLLMENT IN UNDERGRADUATE COURSES POLICY

Definitions

Graduate-level course: A course with a number that ranges from 5000 to 8999.

Graduate program: An advanced certificate, master's degree, certificate of advanced study or doctoral degree.

Start term: The first academic term for which a student's acceptance into a graduate program is valid.

Undergraduate-level course: A course with a number that ranges from 1000 to 4999.

Policy Statements

If a student admitted to a graduate program finds that they need to complete an undergraduate-level course to fulfill a prerequisite or deficiency requirement, or to build academic skills, the student should complete the course before the start term of the graduate program as a non-matriculated undergraduate student.

If a matriculated graduate student wants to enroll in an undergraduate-level course after the start term of the graduate program, the student should discuss this with their academic advisor. Permission is granted by the academic advisor. If permission is given for a graduate student to enroll in an undergraduate-level course, the following applies:

- Undergraduate-level courses cannot be used to meet the requirements of a graduate program.
- Graduate students who enroll in undergraduate-level courses are charged the graduate tuition/fee rate for those courses.
- Financial aid awarded for a graduate program cannot be used to pay for undergraduate-level courses.
- Undergraduate-level courses cannot be used to meet the enrollment requirements to maintain active status.
- Undergraduate-level courses are excluded from the graduate GPA calculation.

If a non-matriculated graduate student wants to enroll in an undergraduate-level course, the student should apply to be a non-matriculated undergraduate student.

UNDERGRADUATE ENROLLMENT IN GRADUATE COURSES

Policy

An advanced undergraduate student (within the last 32 credits of the bachelor's program) with a concurred degree program may apply to take up to 9 credits of selected graduate coursework as determined by the appropriate graduate program chair or coordinator (but only six hours during a single term) related to the student's undergraduate degree

program. If the student is permitted to enroll, the graduate-level course(s) must be used in the Undergraduate degree program and graduate-level course expectations and grading policies apply.

Students and mentors should consult with the appropriate program chair or coordinator as they develop a degree program plan that includes graduate study.

The appropriate program chair determines eligibility on a course-by-course basis, in consultation with the student's primary mentor and other mentors as appropriate. Decision criteria include: 1) The student's preparedness for graduate study based on the academic record, 2) The student's rationale for enrolling in graduate courses, and 3) The availability of space in the course(s). The graduate course(s) will be used toward the undergraduate degree (subject to undergraduate degree program review). Additionally, if the student is accepted within two years to the graduate program to which the courses apply, those course(s) will apply toward that graduate program.

Undergraduate Consultation with Primary Mentor

The undergraduate student consults with his/her primary mentor to determine if she/he is ready for graduate-level study, if graduate study is appropriate to his/her goals, and if so, what courses would be relevant to his/her degree program. Some indicators of readiness to engage in graduate study are that students will have been highly successful in upper-level courses/studies demonstrating strong writing and critical thinking skills, and have completed any prerequisites required for a particular course.

The student completes and signs the application for enrollment in graduate courses, acknowledging the expectations of graduate-level study and grading.

Appeals

Appeals of decisions would follow the university's academic appeals process and formal appeals would be referred to the appropriate division. For example, appeals of decisions not to allow a student to participate in a graduate course would be directed to the School for Graduate Studies, and appeals of decisions about the appropriateness of such a course to the undergraduate program would be directed to the student's undergraduate division.

VISITORS TO INSTRUCTIONAL ACTIVITIES

Instructional activities are not normally accessible to those outside the Empire State University community other than on the basis of invitation. All of the university's instructional activities, including individual faculty/student meetings, group studies, online courses and group sessions at residencies, are intended to foster academic inquiry in an atmosphere supportive of academic freedom.

Attendance at instructional activities is normally limited to the students enrolled for the activity and the instructor(s). On occasions provided for in faculty evaluation procedures, the faculty member's supervisor or other designated evaluator may observe teaching activity. Faculty members may invite students not enrolled in the activity, faculty colleagues, and other presenters or visitors, with the following stipulations:

1. Students enrolled in the instructional activity should be informed and consulted about such visitors in a timely way.
2. When arranging to bring external visitors to the university, faculty members should inform or consult their supervisors as appropriate.

When the university has a formal partnership or contractual relationship with an external organization, such agreements commonly include

provisions for evaluation of the program. When observation of instructional activity is part of a plan agreed to by the university and an external organization, the observation will be designed to avoid interference with instructional aims. Observations conducted for purposes of program evaluation will not be used in evaluation of individual faculty. Faculty and students or prospective students will be informed of such program evaluation plans at the outset of the program and will receive advance information about specific observational visits.

When the university invites individuals to visit academic programs to introduce them to the university, the visitor will observe instructional activity only when such a visit is agreed to in advance by the faculty member, in consultation with students, and the program administrator.

If visitors offer unsolicited evaluative comments or written reports, these will not be considered in evaluation of the individual faculty member.

Individuals wishing to visit the university, e.g., community members, legislators, representatives of organizations with which the university has no formal relationship, should be referred to the appropriate administrator.

WITHDRAWING FROM A COURSE PROCEDURE

If personal concerns or work demands make it difficult or impossible for a student to continue with a course after it has started, the student needs to alert his or her course instructor as soon as possible. Sometimes alternative arrangements can be made, such as an incomplete. It is recommended that the student also consult with his or her academic advisor.

If alternative arrangements cannot be made, then the student will need to withdraw from the course. To withdraw from a course, the student will need to go to MySUNYEmpire (<https://my.sunyempire.edu>), click on **Registration and Course Offerings**, and then click on **Begin or Modify Registration**.

It is very important to note that a graduate student may withdraw from a course on or before the end of the 10th week of a 15-week term or the end of the 5th week of an 8-week term.

It is equally important for the student to note that he or she may be eligible for a refund for all or part of the tuition paid for the course depending on the date of withdrawal notification. (Please refer to the Withdrawal Liability Chart and Refund Policy.)

Effect on Enrollment Status

The effective date of the withdrawal may affect the full- or part-time enrollment status of the student. For the purpose of establishing enrollment status, enrolled credits are the number of registered credits after day 28 of the enrollment term. For example, a student who first enrolls for 12 credits and withdraws from one 4-credit study on or before day 28 remains enrolled for only 8 credits and is no longer considered full time. If the student withdraws after day 28, he or she is considered full time.

A withdrawal that results in a change from full- to part-time enrollment status can jeopardize the student's financial aid eligibility. See the Empire State University statements on Eligibility for New York State Financial Aid and Eligibility for Federal Financial Aid.

Effect on Satisfactory Academic Progress

The effective date of a withdrawal also affects the calculation of satisfactory academic progress. For purposes of calculating academic progress, "credits attempted" is the number of registered credits after day 28 of the enrollment term. Thus, the date of withdrawal affects whether

the credits are counted in the number of credits attempted. For example, if a student first enrolls for 12 credits and then withdraws from one 4-credit study on or before day 28, satisfactory progress is calculated on 8 credits attempted. If the student withdraws after day 28, satisfactory progress is calculated on 12 credits attempted.

For information on the effect on financial aid eligibility, see the statements on Eligibility for New York State Financial Aid and Eligibility for Federal Financial Aid.

WITHDRAWING FROM THE PROGRAM PROCEDURE

For a number of different reasons, students occasionally find that their academic program is not appropriate for them and they decide to withdraw. Before withdrawing, the student is encouraged to contact his or her academic advisor to discuss the matter. The student may only need a leave of absence from the program so as to catch up on work responsibilities or respond to family demands. The academic advisor also may help the student if he or she wants advice about other Empire State University graduate programs more suited to his or her particular interests or needs. If the student does decide to withdraw, he or she should notify graduate student services at Grad.Services@sunyempire.edu. Graduate student services will notify the student's academic advisor, end the advisor assignment and forward the request to the Office of the Registrar for processing.

WORLD WIDE WEB PAGES

Empire State University has created a World Wide Web presence to support and promote the mission of the university: Learning, research, and community service. It is expected that individuals' publishing information on the Empire State University web presence will abide by all applicable policies and all laws governing the use of the internet. The university recognizes that its World Wide Web presence serves a variety of needs and includes various types of websites.

WEB PRESENCE & PUBLISHING POLICY

The purpose of this policy is to establish authority, responsibilities, and actions that assure that the Empire State University (the university) presence on the World Wide Web supports and promotes the university mission by:

1. providing appropriate access to accurate, timely, relevant and authoritative information
2. publishing materials consistent with the university's graphic identity program and which best reflect the official image and message of the university
3. identifying authority and responsibility for the university's presence on the Web
4. establishing resources available and direction to all who would publish materials on university or university-affiliated Web pages
5. ensuring regular review of university and university-affiliated Web pages for compliance with established policy, standards, guidelines and best practices
6. ensuring that the university's Web presence forms a coherent whole.

Definitions

- **University web pages** are web pages under the direct control of Empire State University that represent the official voice of the university to all internal and external audiences including prospective students, current students, alumni, faculty, staff, friends of the university, and the general public. Examples include the main university web pages, learning resource sites such as the online library, web-based applications such as web advisor and DP Planner, and other online sites and tools used to

conduct official university business or convey official university information.

- **University-affiliated web pages** are web pages developed, maintained or hosted by entities other than Empire State University but referenced or used by the university to conduct official business or represent the official voice of the university in accordance with the university's mission. Examples may include but are not limited to: the SUNY Empire Library Blogspot (<http://www.eslibrary.blogspot.com>); Cengage Learning's ed2go (<http://www.ed2go.com>); or Tutor Me (<https://tutorme.com/>).
- **Individual web pages** are web pages developed and maintained by Empire State University students, faculty, and staff for the purpose of self-expression, communication or other individual uses related to the individual's affiliation with the university and the university's mission.
- **Personal web pages** are web pages developed and maintained by individuals for the purpose of personal self-expression, communication or other personal uses. Empire State University does not host, maintain or provide support for personal web pages.

University-affiliated web pages are governed by the Web Presence and Publishing Policy found elsewhere in this catalog.

Agreements and Guidelines for Individual Web Pages

Empire State University promotes the use of its computing facilities and seeks to improve the computer literacy of its students, faculty, and staff by providing space to house individual web pages. To further these goals, every member of the university community who creates an individual web page on the university web presence is expected to adhere to the applicable university policies on computer use and individual web pages. A summary of the agreements and guidelines from those policies is below.

Your individual web pages will not be screened. However, the university reserves the right to monitor your work on university servers and remove your files if it believes that you have violated one of the agreements or guidelines. In addition, failure to follow the agreements or guidelines could, in some cases, lead to criminal prosecution.

Faculty and staff will have the option of linking to your individual web page from the page on the university's web presence, which is designated for faculty and staff web pages. This page contains a disclaimer absolving the university of all responsibility for the content of your home page(s). You will not, however, be required to list your page here. With your permission, the university may create additional links to your work. However, any additional link created from any official university home page to your individual page also will contain the disclaimer.

At some point, the university and you may decide to make your work part of the university's official web presence. At this time your page(s) may require revision to meet the guidelines of official university home pages.

Agreements

1. You alone are responsible for meeting all of the following guidelines. Failure to meet these guidelines could result in the removal of your pages from the Empire State University World Wide Web servers, or removal of links to your pages housed on other servers.
2. The Empire State University World Wide Web presence is a university resource to be used in conjunction with academic learning, teaching, scholarship, and professional development in accordance with the university's mission.

3. Individual web pages hosted in the university web presence shall not be used for commercial purposes, personal benefit or to duplicate content or functionality already provided by official university, and university-affiliated, web pages, and publications. Links from individual web pages to official university, and university-affiliated, web pages, and electronic publications are permitted.
4. Individual web pages will be hosted in the university web presence for faculty, students, and staff for the term of employment or as long as there is an official academic or professional relationship with the university. Once employment, or the relationship with the university, is terminated, responsibility for providing web services will end.
5. Your space on the Empire State University web presence is for you alone. You are responsible for the content of materials in your space. You should take all reasonable precautions to prevent unauthorized use of your space and/or files.
6. The university reserves the right to monitor or restrict your activity on the university web presence. The university is not responsible for loss of data or service interference resulting from efforts to maintain individual web pages.
7. You will not attempt to interfere with the performance of any university server or web-based service.
8. You will not damage any Empire State University computer hardware or software.