

University Council
University at Albany
Resolution

February 27, 2015

To: Members of the Council
From: Michael J. Castellana, Chair
Re: **Amendments to Community Rights and Responsibilities relative to:
*Sexual Violence Prevention and Response***

I recommend that the Council adopt the following resolution:

WHEREAS, the SUNY Board of Trustees, consistent with the leadership of Governor Andrew M. Cuomo, and to build upon SUNY’s nationally-recognized efforts to address sexual violence on its campuses, passed a resolution at its October 2, 2014 meeting (“Resolution”) to establish a comprehensive, system-wide, uniform set of sexual assault prevention and response practices at SUNY campuses, which can be a model for colleges and universities across the State and the nation; and

WHEREAS, the Resolution required the Chancellor within sixty (60) days of its adoption to develop a comprehensive, uniform, system-wide sexual violence prevention and response plan (the “Plan”) to be implemented by all SUNY Campuses; and

WHEREAS, the Chancellor convened a SUNY Working Group on Sexual Violence Prevention that included staff from SUNY System Administration, State Operated Campuses, Community Colleges, student leaders and community members at large to draft the Plan which was completed by the Working Group and adopted by the Chancellor on or about December 1, 2014; and

WHEREAS, the Resolution requires SUNY campus presidents to report to the Chancellor, or her designee, on or before March 31, 2015 as to actions the presidents have taken to address the measures set forth in its Resolution to prevent and respond to campus sexual assault; and

WHEREAS, the federal Violence Against Women Reauthorization Act of 1993 (“VAWA”) requires colleges and universities to adopt specific provisions to sexual misconduct prevention and response policies and procedures, and the US Department of Education’s Office for Civil Rights (“OCR”) requires sexual misconduct case investigations to be completed within certain time frames absent extenuating circumstances; and

WHEREAS, the Plan, VAWA and OCR require that colleges and universities adopt definitions and procedures that specifically address sexual misconduct by students and the colleges and universities' disciplinary responses to that misconduct; and

WHEREAS, Section 356(3) (g) of the New York State Education Law requires the University Council to make regulations governing the conduct and behavior of students, such regulations being known as *Community Rights and Responsibilities* (“CRR”), the University at Albany’s student code of conduct.

Now, therefore, be it:

RESOLVED, that CRR is hereby amended as follows:

- a. To add new definitions of the following: “affirmative consent,” “proceedings,” and “results;”
- b. To add under “Prohibited Conduct” the conduct of dating violence, domestic violence and stalking;
- c. To revoke the Student Conduct Procedures as they relate to sexual misconduct cases and replace that section with the following new Procedures:
 - (i) the authority of the Administration to issue a “no contact order” against the respondent while an investigation and/or conduct proceeding is pending;
 - (ii) the authority of the Administration to temporarily suspend a student accused of sexual assault pending the outcome of the case, if the Administration determines that the student presents a continuing threat to the health and safety of the campus community; and
 - (iii) the requirement that the University review and resolve all cases of sexual harassment, including sexual assault, domestic violence, dating violence and/or stalking within sixty (60) days of the receipt of a complaint, absent extenuating circumstances.
- d. To revoke the phrase “Sexual Misconduct, Sexual Harassment or Sexual Violence” from Student Conduct Appeals Section and replace the phrase with “Sexual Misconduct,” a term defined in the Definition Section of the CRR to include sexual harassment and sexual violence.

And it be further

RESOLVED, that the President, or his designee(s), shall make any other non-substantive amendments and/or corrections to CRR as may be necessary for consistency in the use of terms and phrases and to otherwise comply with the requirements of (1) the SUNY Board of Trustees Resolution; (2) the Plan; (3) VAWA; and (4) the OCR mandates regarding its interpretation of Title IX of the Education Amendments of 1972 (20 USC Section 1681-1688).