

## ATTACHMENT E

University Council  
University at Albany  
Resolution

August 7, 2015

To: Members of the Council  
From: Michael J. Castellana, Chair  
Re: **Amendments to Community Rights and Responsibilities relative to:**  
*NYS Education Law 129-B: "Enough is Enough"*

I recommend that the Council adopt the following resolution:

**WHEREAS**, the New York State Legislature passed an amendment to the NYS Education Law by adding a new Article 129-B on June 14, 2015, and Governor Andrew M. Cuomo signed the legislation into law on July 7, 2015, with the law becoming effective on or about October 5, 2015; and

**WHEREAS**, Article 129-B amends the Education Law in relation to the implementation by colleges and universities in New York State of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures, and amends the civil practice laws and rules in relation to privacy of name in certain legal challenges to college/university disciplinary findings, the sum and substance of which was based upon the SUNY Sexual Assault Prevention and Response Plan; and

**WHEREAS**, Article 129-B refines the SUNY Sexual Assault Prevention and Response Plan, the comprehensive, system-wide, uniform set of sexual assault prevention and response policies and procedures, that this Council passed as amendments to the University at Albany's student code of conduct, known as Community Rights and Responsibilities ("CRR"), on or about February 27, 2015; and

**WHEREAS**, Article 129-B requires compliance by October 7, 2015, the University prefers immediate compliance for the opening of its fall semester in August, 2015, and 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, again, the CRR.

*Now, therefore, be it:*

**RESOLVED**, that CRR is hereby amended as follows:

- a. Revocation of definition of consent and replacement with the statutory definition; and
- b. Modest changes to *Community Rights and Responsibilities*, § 2, entitled, “Definitions” so as to comply with Education Law §129-b; and
- c. Modest changes to *Community Rights and Responsibilities*, § 3, entitled, “Prohibited Conduct” so as to comply with Education Law § 129-b; and
- d. Modest changes to *Community Rights and Responsibilities*, § 4, entitled, “Prohibited Conduct” so as to ensure consistency within the code and to comply with Education Law § 129-b; and
- e. Deletion of *Community Rights and Responsibilities*, § 4.C, entitled, “Prohibited Conduct” so as to comply with Education Law § 129-b; and
- f. Addition of a new section to *Community Rights and Responsibilities*, designated as § 5 and entitled, “Cases of Sexual Misconduct”, so as to comply with Education Law § 129-b in a manner that is clear and simple for our students to follow; and
- g. The reordering of *Community Rights and Responsibilities* former §§ 5 and 6 so that they are now §§ 6 and 7, respectively; and
- h. Modest changes to *Community Rights and Responsibilities*, § 6, entitled, “Sanctions and Administrative and Temporary Directives” so as to ensure consistency within the code and to offer clarification of terminology now required by Education Law §129-b; and
- i. Modest changes to *Community Rights and Responsibilities*, § 7, entitled, “Appeals in Student Conduct Cases” so as to ensure consistency within the code and to comply with Education Law §129-b.

***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 compliance with Article 129B of the New York State Education Law.