

## APPENDIX 1

### New York State Law and Penalties on Sex Offenses

*The following represent all sections of the New York State Penal Law which are sex offenses:*

#### **Sec. 130.20 Sexual Misconduct**

A person is guilty of sexual misconduct when:

- a.) being a male, he engages in sexual intercourse with a female without her consent; or
- b.) he engages in deviate sexual intercourse with another person without the latter's consent; or
- c.) he engages in sexual conduct with an animal or a dead human body.

*Sexual misconduct is a class A misdemeanor.*

#### **Sec. 130.25 Rape in the third degree**

A person is guilty of rape in the third degree when:

- a.) he or she engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than seventeen years old; or
- b.) being twenty-one years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than seventeen years old.

*Rape in the third degree is a class E felony.*

#### **Sec. 130.30 Rape in the second degree**

A person is guilty of rape in the second degree when, being eighteen years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than fourteen years old. *Rape in the second degree is a class D felony.*

#### **Sec. 130.35 Rape in the first degree**

A male is guilty of rape in the first degree when he engages in sexual intercourse with a female:

- a.) by forcible compulsion; or
- b.) who is incapable of consent by reason of being physically helpless; or
- c.) who is less than eleven years old.

*Rape in the first degree is a class B felony.*

#### **Sec. 130.40 Sodomy in the third degree**

A person is guilty of sodomy in the third degree when:

- a.) he engages in deviate sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; or
- b.) being twenty-one years old or more, he engages in deviate sexual intercourse with a person less than seventeen years old.

*Sodomy in the third degree is a class E felony.*

#### **Sec. 130.45 Sodomy in the second degree**

A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person less than fourteen years old.

*Sodomy in the second degree is a class D felony.*

#### **Sec. 130.50 Sodomy in the first degree**

A person is guilty of sodomy in the first degree when he engages in deviate sexual intercourse with another person:

- a.) by forcible compulsion;
- b.) or who is incapable of consent by reason of being physically helpless; or
- c.) who is less than eleven years old.

*Sodomy in the first degree is a class B felony.*

#### **Sec. 130.55 Sexual Abuse in the third degree**

A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and the defendant was less than five years older than such other person.

*Sexual abuse in the third degree is a class B misdemeanor.*

#### **Sec. 130.60 Sexual Abuse in the second degree**

A person is guilty of sexual abuse in the second degree when he subjects another person to sexual contact and when such other person is:

- a.) incapable of consent by reason of some factor other than being less than seventeen years old; or
- b.) less than fourteen years old.

*Sexual abuse in the second degree is a class A misdemeanor.*

#### **Sec. 130.65 Sexual Abuse in the first degree**

A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact:

a.) by forcible compulsion; or

b.) when the other person is incapable of consent by reason of being physically helpless; or

c.) when the other person is less than eleven years old.

*Sexual abuse in the first degree is a class D felony.*

#### **Sec. 130.66 Aggravated Sexual Abuse in the third degree**

A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

- a.) by forcible compulsion; or
- b.) when the other person is incapable of consent by reason of being physically helpless; or
- c.) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provision of this section.

*Aggravated sexual abuse in the third degree is a class D felony.*

#### **Sec. 130.67 Aggravated Sexual Abuse in the second degree**

A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- a.) by forcible compulsion; or
- b.) when the other person is incapable of consent by reason of being physically helpless; or
- c.) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

*Aggravated sexual abuse in the second degree is a class C felony.*

#### **Sec. 130.70 Aggravated Sexual Abuse in the first degree**

A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- a.) by forcible compulsion; or
- b.) when the other person is incapable of consent by reason of being physically helpless; or
- c.) when the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

*Aggravated sexual abuse in the first degree is a class B felony.*

#### **Sec. 130.75 Course of Sexual Conduct against a child in the first degree**

a.) a person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, deviate sexual intercourse or aggravated sexual contact, with a child less than eleven years old.

b.) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

*Course of sexual conduct against a child in the first degree is a class D felony.*

#### **Sec. 130.80 Course of Sexual Conduct against a child in the second degree**

a.) A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct with a child less than eleven years old.

b.) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

*Course of sexual conduct against a child in the second degree is a class D felony.*

#### **Penalties for Violations of New York State Law – Sex Offenses**

*Sex offenses which are committed in violation of the New York State Penal Law are subject to the following penalties:*

**Class A misdemeanor** – fine of up to \$1,000 and/or imprisonment up to one year.

**Class B misdemeanor** – fine of up to \$500 and/or imprisonment up to three months.

**Class E felony** – fine of up to \$5,000 and/or imprisonment up to four years.

**Class D felony** – fine of up to \$5,000 and/or imprisonment up to seven years.

**Class C felony** – fine of up to \$5,000 and/or imprisonment up to 15 years.

**Class B felony** – fine of up to \$5,000 and/or imprisonment up to 25 years.

## APPENDIX 2

## NEW YORK STATE LAW AND PENALTIES ON DOMESTIC VIOLENCE

STATUTE (all references to NYS Penal Law)	PENALTIES*
<b>STALKING</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 120.60)</li> <li>• Second Degree (§ 120.55)</li> <li>• Third Degree (§ 120.50)</li> <li>• Fourth Degree (§ 120.45)</li> </ul>	<ul style="list-style-type: none"> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class A Misdemeanor</li> <li>• Class B Misdemeanor</li> </ul>
<b>SEXUAL ASSAULT</b>	
<b>Rape</b> <ul style="list-style-type: none"> <li>• First Degree (§ 130.35)</li> <li>• Second Degree (§ 130.30)</li> <li>• Third Degree (§ 130.25)</li> </ul> <b>Criminal Sexual Act</b> <ul style="list-style-type: none"> <li>• First Degree (§ 130.50)</li> <li>• Second Degree (§ 130.45)</li> <li>• Third Degree (§ 130.40)</li> </ul> <b>Aggravated Sexual Abuse</b> <ul style="list-style-type: none"> <li>• First Degree (§ 130.70)</li> <li>• Second Degree (§ 130.67)</li> <li>• Third Degree (§ 130.60)</li> <li>• Fourth Degree (§ 130.65)</li> </ul> <b>Course of Sexual Conduct Against a Child</b> <ul style="list-style-type: none"> <li>• First Degree (§ 130.75)</li> <li>• Second Degree (§ 130.80)</li> </ul> <b>Predatory Sexual Assault</b> (§ 130.95) <b>Predatory Sexual Assault Against a Child</b> (§ 130.96) <b>Sexual Abuse</b> <ul style="list-style-type: none"> <li>• First Degree (§ 130.65)</li> <li>• Second Degree (§ 130.60)</li> <li>• Third Degree (§ 130.55)</li> </ul> <b>Persistent Sexual Abuse</b> (§ 130.53) <b>Forcible Touching</b> (§ 130.52) <b>Sexual Misconduct</b> (§ 130.20 (1)) (§ 130.20 (2))	<ul style="list-style-type: none"> <li>• Class B Felony</li> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class B Felony</li> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class B Felony</li> <li>• Class C Felony</li> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class B Felony</li> <li>• Class D Felony</li> <li>• Class A-11 Felony</li> <li>• Class A-11 Felony</li> <li>• Class D Felony</li> <li>• Class A Misdemeanor</li> <li>• Class B Misdemeanor</li> <li>• Class E Felony</li> <li>• Class A Misdemeanor</li> <li>• Class A Misdemeanor</li> </ul>

<b>DOMESTIC VIOLENCE **</b>	
<b>Disorderly Conduct</b> (§ 240.20)	<ul style="list-style-type: none"> <li>• Violation</li> </ul>
<b>Harassment</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 240.25)</li> <li>• Second Degree (§ 240.26)</li> </ul>	<ul style="list-style-type: none"> <li>• Class B Misdemeanor</li> <li>• Violation</li> </ul>
<b>Aggravated Harassment</b>	
<ul style="list-style-type: none"> <li>• Second Degree (§ 240.30)</li> </ul>	<ul style="list-style-type: none"> <li>• Class A Misdemeanor</li> </ul>
<b>Stalking</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 120.60)</li> <li>• Second Degree (§ 120.55)</li> <li>• Third Degree (§ 120.50)</li> <li>• Fourth Degree (§ 120.45)</li> </ul>	<ul style="list-style-type: none"> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class A Misdemeanor</li> <li>• Class B Misdemeanor</li> </ul>
<b>Criminal Mischief</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 145.12)</li> <li>• Second Degree (§ 145.10)</li> <li>• Third Degree (§ 145.05)</li> <li>• Fourth Degree (§ 145.00)</li> </ul>	<ul style="list-style-type: none"> <li>• Class B Felony</li> <li>• Class D Felony</li> <li>• Class E Felony</li> <li>• Class A Misdemeanor</li> </ul>
<b>Menacing</b>	
<ul style="list-style-type: none"> <li>• Second Degree (§ 120.14)</li> <li>• Third Degree (§ 120.15)</li> </ul>	<ul style="list-style-type: none"> <li>• Class A Misdemeanor</li> <li>• Class B Misdemeanor</li> </ul>
<b>Reckless Endangerment</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 120.25)</li> <li>• Second Degree (§ 120.20)</li> </ul>	<ul style="list-style-type: none"> <li>• Class D Felony</li> <li>• Class A Misdemeanor</li> </ul>
<b>Assault</b>	
<ul style="list-style-type: none"> <li>• Second Degree (§ 120.05)</li> <li>• Third Degree (§ 120.00)</li> </ul>	<ul style="list-style-type: none"> <li>• Class D Felony</li> <li>• Class A Misdemeanor</li> </ul>
<b>Attempted Assault</b>	
<ul style="list-style-type: none"> <li>• First Degree (§ 110.00; § 120.10)</li> <li>• Second Degree (§ 110.00; § 120.05)</li> <li>• Third Degree (§ 110.00; § 120.00)</li> </ul>	<ul style="list-style-type: none"> <li>• Class C Felony</li> <li>• Class E Felony</li> <li>• Class B Misdemeanor</li> </ul>
<b>Sexual Misconduct</b> (effective 12/09) (§ 130.52)	<ul style="list-style-type: none"> <li>• Class A Misdemeanor</li> </ul>
<b>Forcible Touching</b> (effective 12/09) (§ 130.52)	<ul style="list-style-type: none"> <li>• Class A Misdemeanor</li> </ul>
<b>Sexual Abuse</b> (effective 12/09)	
<ul style="list-style-type: none"> <li>• Second Degree (§ 130.60)</li> <li>• Third Degree (§ 130.55)</li> </ul>	<ul style="list-style-type: none"> <li>• Class A Misdemeanor</li> <li>• Class A Misdemeanor</li> </ul>

### **APPENDIX 3**

### **SUMMARY OF APPLICABLE NEW YORK STATE**

### **DRUG LAWS AND PENALTIES**

(\*) Penalties and Sentencing Guidelines:

Penalty Classification	Sentence / Fine
Class A-1 Felony	15 yrs to Life in Prison / \$100,000 fine
Class A – 11 Felony	10 yrs to Life in Prison / \$50,000 fine
Class B Felony	5 yrs – 25 yrs / \$30,000 fine
Class C Felony	3 ½ yrs - 15 yrs / \$15,000
Class D Felony	2 yrs – 7 yrs
Class E Felony	1 ½ yrs - 4 yrs
Class A Misdemeanor	Max of 1 year / \$1,000 fine
Class B Misdemeanor	Max of 3 months / \$500 fine

As stated in Article 33, Sections 3300 and 3304 of the New York State Public Health

Law, it shall be unlawful for any person to manufacture, sell, prescribe, distribute, dispense, administer, possess, have under his control, abandon, or transport a controlled substance (except as expressly allowed by the article).

Articles 220 and 221 of the New York State Penal Law describe the sanctions for offenses involving controlled substances and marijuana. These articles set forth criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depends upon the individual drug and amount held or sold.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year.

A felony is a crime punishable by imprisonment for more than one year.

- Possession of a narcotic drug (e.g., Cocaine, Heroin, Opium), no matter how small is a misdemeanor; possession of 1/8 ounce or more is a felony with the exception of cocaine. Criminal possession of cocaine, including crack, is a Class D felony if in possession of 1/2 ounce or more. Sale of any amount is a felony.
- Possession of an unprescribed depressant drug is a misdemeanor.
- Possession of 10 ounces or more of any depressant listed as a "Dangerous Depressant" (e.g., Barbiturates, Methaqualone) is a felony.
- Possession of 50 milligrams or more of phencyclidine (Angel Dust) is a felony.

The Marijuana Reform Act of 1977 has classified possession of lesser amounts of marijuana up to 25 grams (25-30 cigarettes), as a violation with penalties ranging from a \$100 to \$250 fine and/or up to 15 days in jail, depending on whether it is the first, second, or third offense.

- Possession of any amount of marijuana in public view or of any amount of burning marijuana in a public place is a misdemeanor.
- Possession of more than 25 grams of marijuana but not more than 8 ounces is a misdemeanor.
- Possession of 8 ounces or more of marijuana is a felony. Sale of 25 grams or less is a misdemeanor; Sale of more than 25 grams of marijuana is a felony.
- Sale of any amount of marijuana to a minor is a felony.
- The penalties for sale or possession of hashish are more severe. Possession of any amount, no matter how small is a misdemeanor and possession of 1/4 ounce is a felony; sale of any amount of hashish, no matter how small, is a felony.

### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

## APPENDIX 4 HEALTH RISKS

### DRUGS OF ABUSE/Uses and Effects

U.S. Department of Justice  
Drug Enforcement Administration

Drugs	CSA Schedules	Trade or Other Names	Medical Uses	Dependence			Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
				Physical	Psycho-logical	Tolerance					
<b>Narcotics</b>											
Heroin	Substance I	Diamorphine, Horse, Smack, Black tar, <i>Chiva</i> , <i>Negra (black tar)</i>	None in U.S., Analgesic, Antitussive	High	High	Yes	3-4	Injected, snorted, smoked	Euphoria, drowsi-ness, respira-tory depres-sion, constricted pupils, nausea	Slow and shallow breathing, clammy skin, con-vulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine	Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	High	High	Yes	3-12	Oral, injected			
Hydroco-done	Substance II, Product III, V	Hydrocodone w/ Acetamino-phen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	High	High	Yes	3-6	Oral			
Hydro-morphone	Substance II	Dilaudid	Analgesic	High	High	Yes	3-4	Oral, injected			
Oxycodone	Substance II	Roxicet, Oxycodone w/ Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	High	High	Yes	3-12	Oral			

Codeine	Substance II, Products III, V	Acetaminophen, Guaifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/ Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-4	Oral, injected			
Other Narcotics	Substance II, III, IV	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex	Analgesic, Antidiarrheal, Antitussive	High-Low	High-Low	Yes	Variable	Oral, injected, snorted, smoked			
<b>Depressants</b>											
<i>gamma</i> Hydroxybu-tyric Acid	Substance I, Product III	GHB, Liquid Ecstasy, Liquid X, Sodium Oxy-bate, Xyrem®	None in U.S., Anesthetic	Moderate	Moderate	Yes	3-6	Oral	Slurred speech, disori-entation, drunken behavior without odor of alcohol, impaired memory of events, interacts with alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiaz-epines	Substance IV	Valium, Xanax, Halcion, Ativan, Restoril, Rohyp-nol (Roofies, R-2), Klonopin	Antianxiety, Sedative, Anti-convulsant, Hypnotic, Muscle Relaxant	Moderate	Moderate	Yes	1-8	Oral, injected			
Other Depressants	Substance I, II, III, IV	Ambien, Sonata, Meprobamate, Chloral Hydrate, Barbiturates, Methaqualone (Quaalude)	Antianxiety, Sedative, Hypnotic	Moderate	Moderate	Yes	2-6	Oral			

Stimulants											
Cocaine	Substance II	Coke, Flake, Snow, Crack, <i>Coca, Blanca, Perico, Nieve, Soda</i>	Local anesthetic	Possible	High	Yes	1-2	Snorted, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamine/ Methamphetamine	Substance II	Crank, Ice, Cristal, Krystal Meth, Speed, Adderall, Dexedrine, Desoxyn	Attention deficit/ hyperactivity disorder, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected, smoked			
Methylphenidate	Substance II	Ritalin (Illy's), Concerta, Focalin, Metadate	Attention deficit/ hyperactivity disorder	Possible	High	Yes	2-4	Oral, injected, snorted, smoked			
Other Stimulants	Substance III, IV	Adipex P, Ionamin, Prelu-2, Didrex, Provigil	Vaso-constriction	Possible	Moderate	Yes	2-4	Oral			
Hallucinogens											
MDMA and Analogs	Substance I	(Ecstasy, XTC, Adam), MDA (Love Drug), MDEA (Eve), MBDB	None	None	Moderate	Yes	4-6	Oral, snorted, smoked	Heightened senses, teeth grinding and dehydration	Increased body temperature, electrolyte imbalance, cardiac arrest	Muscle aches, drowsiness, depression, acne

LSD	Substance I	Acid, Microdot, Sunshine, Boomers	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, altered perception of time and distance	(LSD) Longer, more intense “trip” episodes	None
Phencyclidine and Analogs	Substance I, II, III	PCP, Angel Dust, Hog, Loveboat, Ketamine (Special K), PCE, PCPy, TCP	Anesthetic (Ketamine)	Possible	High	Yes	1-12	Smoked, oral, injected, snorted			
Other Hallucinogens	Substance I	Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextromethorphan* (DXM)	None	None	None	Possible	4-8	Oral			
Cannabis											
Marijuana	Substance I	Pot, Grass, Sinsemilla, Blunts, Mota, Yerba, Grifa	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
Tetrahydrocannabinol	Substance I, Product III	THC, Marinol	Antinauseant, Appetite stimulant	Yes	Moderate	Yes	2-4	Smoked, oral			
Hashish and Hashish Oil	Substance I	Hash, Hash oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

<b>Anabolic Steroids</b>											
Testosterone	Substance III	Depo Testosterone, Sustanon, Sten, Cypot	Hypogonadism	Unknown	Unknown	Unknown	14-28 days	Injected	Virilization, edema, testicular atrophy, gynecomastia, acne, aggressive behavior	Unknown	Possible depression
Other Anabolic Steroids	Substance III	Parabolan, Winstrol, Equipoise, Anadrol, Dianabol, Primabolin-Depo, D-Ball	Anemia, Breast cancer	Unknown	Yes	Unknown	Variable	Oral, injected			
<b>Inhalants</b>											
Amyl and Butyl Nitrite		Pearls, Poppers, Rush, Locker Room	Angina (Amyl)	Unknown	Unknown	No	1	Inhaled	Flushing, hypotension, headache	Methemoglobinemia	Agitation
Nitrous Oxide		Laughing gas, balloons, Whippets	Anesthetic	Unknown	Low	No	0.5	Inhaled	Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage	Vomiting, respiratory depression, loss of consciousness, possible death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions
Other Inhalants		Adhesives, spray paint, hair spray, dry cleaning fluid, spot remover, lighter fluid	None	Unknown	High	No	0.5-2	Inhaled			
<b>Alcohol</b>		Beer, wine, liquor	None	High	High	Yes	1-3	Oral			



**APPENDIX 5**  
**NEW YORK ALCOHOLIC BEVERAGE CONTROL LAW (ABC)**

*(from New York State Legislature web site: [public.leginfo.state.ny.us](http://public.leginfo.state.ny.us))*

<p><b><u>NYS ABC</u></b>  <b><u>Law</u></b>  <b>Special Provisions Relating to Liquor</b></p>	<p style="text-align: center;"><b>Specifics</b></p>	<p style="text-align: center;"><b>Sentence</b></p>
<p>§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years</p>	<p>Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the <a href="#">alcoholic beverage control law</a>, to such person.</p>	<p>A fine of not more than \$200, or imprisonment up to five days, or both.</p>
<p>§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.</p>	<p>No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.</p>	<p>1<sup>st</sup> violation: a fine of not more than \$100 and/or up to 30 hours of community service. Also may order completion of an alcohol awareness program.</p> <p>2<sup>nd</sup> violation: a fine of \$50 to \$350 and/or up to 60 hours of community service. Also shall order completion of an alcohol awareness program if not previously completed.</p> <p>3<sup>rd</sup> and subsequent violations: a fine of \$50 to \$750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.</p> <p>In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license: 1<sup>st</sup> violation: a three month suspension; 2<sup>nd</sup> violation: a six month suspension; 3<sup>rd</sup> or subsequent violation: a one year suspension or until the holder reaches the age of 21, whichever is the greater period.</p>
<p>§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.</p>	<p>No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.</p>	<p>A fine up to \$50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</p>

## NYS VEHICLE AND TRAFFIC LAW (VAT)

(from New York State Legislature web site: [public.leginfo.state.ny.us](http://public.leginfo.state.ny.us))

<p><b><u>NYS</u></b> <b><u>VAT</u></b> <b><u>Law</u></b> <b>Alcohol &amp; Drug-related Offenses</b></p>	<p><b>Specifics</b></p>		<p><b>Sentence</b></p>	
<p>§ 1192. Operating a motor vehicle while under the influence of alcohol or drugs.</p>	<p>1. Driving while ability impaired: No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.</p>		<p>A fine of \$300 to \$500 or imprisonment in a penitentiary or county jail for up to 15 days, or both.</p> <p>If convicted of a violation of §1192 within the preceding 5 years: a fine of \$500 to \$750 or imprisonment up to 30 days, or both.</p> <p>If convicted 2 or more times of a violation of §1192 within the preceding 10 years, misdemeanor: a fine of \$750 to \$1,500 or imprisonment of up to 180 days, or both.</p> <p>See also additional penalties and license sanctions.</p>	
	<p>2. Driving while intoxicated; per se: No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva.</p>		<p>Misdemeanor: a fine of \$500 to \$1,000 imprisonment in a penitentiary or county jail for up to one year, or both.</p>	<p>Installation of an ignition interlock device in any motor vehicle owned or operated by such person during the term of probation or conditional discharge, for a period of no less than 12 months.</p> <p>Class E Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide within the preceding 10 years: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.</p>
	<p>3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.</p>			
	<p>2-a. (a) Aggravated driving while intoxicated; per se: No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in such person's blood</p>		<p>Misdemeanor: a fine of \$1,000 to \$2,500 or imprisonment in a penitentiary or county jail for up to one year, or both.</p>	

	as shown by chemical analysis of such person's blood, breath, urine or saliva.			Class D Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide twice within the preceding 10 years or three or more times within the preceding 15 years: a fine of \$2,000 to \$10,000 or a period of imprisonment as provided in the penal law, or both.
	2-a. (b) Aggravated driving while intoxicated; with a child: No person shall operate a motor vehicle in violation of this section while a child who is fifteen years of age or less is a passenger in such motor vehicle.		Class E Felony: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.	See also additional penalties and license sanctions.
	4. Driving while ability impaired by drugs: No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.			Class E Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide within the preceding 10 years: a fine of \$1,000 to \$5,000 or a period of imprisonment as provided in the penal law, or both.
	4-a. Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs.		Misdemeanor: a fine of \$500 to \$1,000 imprisonment in a penitentiary or county jail for up to one year, or both.	Class D Felony: A violation after having been convicted of a violation of subdivision 2, 2-a, 3, 4 or 4-a of §1192 or of vehicular assault in the second or first degree and aggravated vehicular

				<p>assault or of vehicular manslaughter in the second or first degree and aggravated vehicular homicide twice within the preceding 10 years or three or more times within the preceding 15 years: a fine of \$2,000 to \$10,000 or a period of imprisonment as provided in the penal law, or both.</p> <p>See also additional penalties and license sanctions.</p>
§ 1192-a. Operating a motor vehicle after having consumed alcohol; under the age of 21; per se.	No person under the age of 21 shall operate a motor vehicle after having consumed alcohol (if such person has .02 to .07 of one per centum by weight of alcohol in his/her blood, as shown by chemical analysis of his/her blood, breath, urine or saliva).			See license sanctions.
		For a violation of §1192, the court may require the defendant to attend a single session conducted by a victims impact program.		
Additional	1.	<p>2. A violation of subdivision 2 or 3 after having been convicted of a violation of subdivision 2 or 3 of such §1192 within the preceding 5 years: in addition to any other penalties, imprisonment of 5 days or be required to perform 30 days of service for a public or not-for-profit corporation, association, institution or agency, except when sentenced to a term of imprisonment of 5 days or more.</p> <p>3. A violation of subdivision 2 or 3 after having been convicted of a violation of subdivision 2 or 3 of such §1192 on two or more occasions within the preceding 5 years: in addition to any other penalties, imprisonment of 10 days or be required to perform 60 days of service for a public or not-for-profit corporation, association, institution or agency, except when sentenced to a term of imprisonment of 10 days or more.</p> <p>4. A court sentencing a person pursuant to (1) or (2) above shall (a) order the installation of an ignition interlock device... during any period of license</p>		

		<p>revocation and (b) order that such person receive an assessment of the degree of their alcohol or substance abuse. Where such assessment indicates the need treatment, the court is authorized to impose treatment as a condition of such sentence.</p>
License sanctions		<p><b><i>Suspensions:</i></b></p> <ol style="list-style-type: none"> <li>1. Driving while ability impaired: Ninety days, where the holder is convicted of a violation of subdivision one of §1192;</li> <li>2. Persons under the age of 21; driving after having consumed alcohol: Six months, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of § 1192-a of an article where such person was under the age of 21 at the time of commission of such violation.</li> </ol> <p><b><i>Revocations:</i></b></p> <p>A license shall be revoked and a registration may be revoked for the following minimum periods:</p> <ol style="list-style-type: none"> <li>1. Driving while ability impaired; prior offense: 6 months, where the holder is convicted of a violation of subdivision one of § 1192 committed within 5 years of a conviction for a violation of any subdivision of §1192.</li> <li>2. Driving while ability impaired; misdemeanor offense: 6 months, where the holder is convicted of a violation of subdivision one of §1192 committed within 10 years of two previous convictions for a violation of any subdivision of §1192.</li> <li>3. Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated: 6 months, where the holder is convicted of a violation of subdivision two, three, four or four-a of §1192. One year where the holder is convicted of a violation of subdivision two-a of §1192.</li> <li>4. Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; prior offense: One year, where the holder is convicted of a violation of subdivision two, three, four or four-a of §1192 committed within 10 years of a conviction for a violation of subdivision two, three, four or four-a of §1192. 18 months, where the holder is convicted of a violation of subdivision two-a of §1192 committed within ten years of a conviction for a violation of subdivision two, two-a, three, four or four-a of §1192; or where the holder is convicted of a violation of subdivision two, three, four or four-a of §1192 committed within ten years of a conviction for a violation of subdivision two-a of §1192.</li> </ol>

		<p>5. Persons under the age of 21: One year, where the holder is convicted of or adjudicated a youthful offender for a violation of any subdivision of §1192, or is convicted of or receives a youthful offender or other juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, and the person was under the age of 21 at the time of commission of such violation.</p> <p>6. Persons under the age of 21; prior offense or finding: One year or until the holder reaches the age of 21, whichever is the greater period of time, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of §1192-a, or is convicted of, or adjudicated a youthful offender for, a violation of any subdivision of §1192, or is convicted of or receives a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, when the person was under the age of 21 at the time of commission of such violation and has previously been found to have operated a motor vehicle after having consumed alcohol in violation of §1192-a, or has previously been convicted of, or adjudicated a youthful offender for, any violation of §1192 not arising out of the same incident, or has previously been convicted of or received a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor when the conviction, or youthful offender or other juvenile adjudication was had outside this state and not arising out of the same.</p> <p>7. Out-of-state offenses: except as provided in (5) or (6) above, (1) 90 days, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction was had outside this state and (2) 6 months, where the holder is convicted of, or receives a youthful offender or other juvenile adjudication, which would have been a misdemeanor or felony if committed by an adult, in connection with, an offense consisting of operating a motor vehicle under the influence of or while impaired by the use of drugs where the conviction or youthful offender or other juvenile adjudication was had outside this state.</p>
Notice of charges to parent or guardian.		<p>Upon the first scheduled appearance of any person under eighteen years of age who resides within the household of his or her parent or guardian upon a charge of a violation of subdivision one, two and/or three of §1192, the local criminal court shall forthwith transmit written notice of such appearance or failure to make such appearance to the parent or guardian of such minor person...</p>

## **APPENDIX 6**

### **HEALTH RISKS ASSOCIATE WITH THE USE OF ALCOHOL**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions.

Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **POLICY STATEMENT ON DRUGS AND ALCOHOL**

Compliance with the Drug Free Schools and Communities Act of 1989

SUNY Delhi hereby prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on our property or as any part of our institutional activities.

SUNY Delhi will impose sanctions on students and employees who violate this policy consistent with local, state, and federal law. Students will be subject to the judicial conduct procedures specified in this publication. Other corrective action may include the completion of an appropriate rehabilitation program.

SUNY Delhi will interpret local, state, and federal regulations in the strictest sense to assure a drug free work place.

SUNY Delhi is committed to offering employees and students counseling and/or referral to the appropriate agencies for problems associated with drugs and alcohol. For students, the campus Counseling Center is available for confidential counseling and referrals.

## **APPENDIX 7**

### **BIAS RELATED CRIMES & ACTS PREVENTION**

#### **Hate Crimes and Bias Acts**

It is a State University of New York at Delhi (SUNY Delhi) University Police mandate to protect all members of the Delhi community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction. Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1190 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from University Police or the Office of Student Rights & Responsibilities.

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. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible. In addition to preventing and prosecuting hate/bias crimes, SUNY Delhi University Police also assist in addressing bias-related activities that do not rise to the level of crime. The activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the Delhi community based on national origin, ethnicity, race, age, religion, sex, gender identity or expression, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Bias incidents can be reported to University Police as well as to Affirmative Action/Equal Opportunities Office at (607) 746-4495.

If you are a victim, or witness to, a hate/bias crime on campus, report it to University Police in an emergency, using a Blue Light or other campus emergency phone, by calling 4700, or stopping by North Hall. University Police will investigate and follow the appropriate adjudication procedures. Victims of bias crime or bias incidents can avail themselves of counseling and support services from the Office of Health and Counseling Services. The Counseling Center offers confidential services free of charge to all students at SUNY Delhi and all discussions with the Counselors are confidential.

For general information on SUNY Delhi security procedures see the SUNY Delhi University Police website, or call (607) 746-4700. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from University Police at (607) 746-4700. You may also utilize the bias report form found on the SUNY Delhi website under diversity, equity & inclusion or student rights & responsibilities. The Bias Acts Response Team will investigate and develop appropriate responses to bias incidents.



**APPENDIX 8**  
**BOARD OF TRUSTEES SUNY MAINTENANCE OF PUBLIC ORDER**  
**STATUTORY AUTHORITY EDUCATION LAW 6450**

Rules and Regulations for the Maintenance of Public order on Premises of State Operated Institutions of the State University of New York.

Education

1. *Statement of purpose.* The following rules are adopted in compliance with section 6450 of the Education Law and should be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of the rights of others and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.

2. *Application of rules.* These rules shall apply to all State operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of student, faculty and other, licensees, invitees and all other persons, whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities; provided, however, that charges against any student for violation of these rules on the premises of any such institution other than the one at which he/she is in attendance shall be heard and determined at the institution in which he/she is enrolled as a student.

3. *Prohibited Conduct.* No person, either singly or in concert with others, shall:

- (a) willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act that he/she has a lawful right to do or to do any act that he/she has a lawful right not to do;
- (b) physically restrain or detain any person, not remove such person, from any place where he/she is authorized to remain.
- (c) willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization;
- (d) without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- (e) enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- (f) without authorization, remain in any building or facility after it is normally closed;
- (g) refuse to leave any building or facility after being required to do so by an authorized administrative officer;
- (h) obstruct the free movement of persons and vehicles in any place to which these rules apply;
- (i) deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- (j) knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver or other firearm or weapon without written authorization of the chief administrative officer, whether or not a license to possess the same has been issued to such person;
- (k) willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; or
- (l) take any action, create or participate in the creation of, any situation that recklessly or intentionally endangers mental or physical health or that involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

4. *Freedom of speech and assembly; picketing and demonstrations.*

- (a) No student, faculty or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his/her views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of ground and building will not be interfered with. Those involved in picketing and demonstrations, may not however, engage in specific conduct in violation of the provisions of the preceding section.
- (b) In order to afford maximum protection to the participants and to the institutional community, each State operated institution of the State University shall promptly adopt and promulgate, and thereafter continue in effect as revised from time to time, procedures appropriate to such institution for giving of reasonable advance notice to such institution of any planned assembly, picketing or demonstration upon the grounds of such institution, its proposed locate and intended purpose, provided, however, that the giving of such notice shall not be made a condition precedent to any such assembly, picketing or demonstration and provided, further, that this provision shall not supersede or preclude the procedures in effect at such institution for obtaining permission to use the facilities thereof

5. *Penalties.* A person who shall violate any of the provisions of these rules (or the rules of any individual institution supplementing or implementing these rules) shall:

- (a) if he/she is a licensee or invitee, have his/her authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection.
- (b) if he/she is a trespasser or visitor without specific license or invitation, be subject to ejection.
- (c) if he/she is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.
- (d) if he/she is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his/her employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
- (e) if he/she is a staff member in the classified service of the civil service, described in section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said section.
- (f) if he/she is a staff member other than one described in subdivisions (d) and (e), be subject to dismissal, suspension without pay or censure.

6. *Procedure.*

- (a) The chief administrative officer or his/her designee shall inform any licensee or invitee who shall violate any provisions of these rules (or the rules of any individual institution supplementing or implementing these rules) that his/her license or invitation is withdrawn and shall direct him/her failure or refusal to do so, such officer shall cause his/her ejection from such campus or property.
- (b) In the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his/her designee shall inform him/her that he/she is not authorized to remain on the campus or other property of the institution and direct him/her to leave such premises. In the event of his/her failure or refusal to do so, such officer shall cause his/her ejection from such campus or property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his /her liability to prosecution for trespass or loitering as prescribed in the Penal Law.
- (c) In the case of a student, charges for violation of any of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be presented and shall be heard and determined in the manner hereinafter provided in section 535.9 of this Part.
- (d) In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with title D or Part 338 of the policies of the Board of Trustees.
- (e) In the case of any staff member who holds a position in the classified civil service, described in section 75 of the Civil Service Law, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined as prescribed in that section.
- (f) Any other faculty or staff member who shall violate any provision of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be dismissed, suspended or censured by the appointing authority prescribed in the policies of the Board of Trustees.

7. *Enforcement Program.*

- (a) The chief administrative officer shall be responsible for the enforcement of these rules (or the rules of any individual institution supplementing or implementing these rules) and he/she shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

(b) It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard on any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules (or the rules of any individual institution supplementing or implementing these rules) by such persons, which, in the judgment of the chief administrative officer or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issue that may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the institution where their continued presence and conduct is in violation of these rules (or the rules of any individual institution supplementing or implementing these rules).

(c) In any case where violation of these rules (or the rules of any individual institution supplementing or implementing these rules) does not cease after such warning and in other cases of willful violation of such rules, the chief administrative officer or his/her designee shall cause the ejection of the violator from any premises that he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.

(d) The chief administrative officer or his/her designee may apply to the public authorities for any aid that he/she deems necessary in causing the ejection of any violator of these rules (or the rules of any individual institution supplementing or implementing these rules) and he/she may request the State University counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

8. *Communication.* In matters of the sort to which these rules are addressed, full and prompt communication among all components of the institutional community, faculty, students and administration, is highly desirable. To the extent that time and circumstances permit, such communication should precede the exercise of the authority, discretion and responsibilities granted and imposed in these rules. To these ends, each State operated institution of the State University shall employ such procedures and means, formal and informal, as will promote such communication.

9. *Notice, hearing and determination of charges against students.\**

(a) The term chief administrative officer, as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of the incumbent and for purposes of this section shall also include any designee appointed by said officer.

(b) Whenever a complaint is made to the chief administrative officer of any State operated institution of the University of a violation by a student or students of the rules prescribed in this Part (or any rules adopted by an individual institution supplementing or implementing such rules) or whenever he/she has knowledge that such a violation may have occurred, if any, and of other persons having knowledge of the facts reduced to writing. If he/she is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation, he/she shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation, which shall state the provision prescribing the offense and shall specify the ultimate facts alleged to constitute such offense.

(c) Such charges shall be in writing and shall be served on the student or students named therein by delivering the same to him/her or them personally, if possible, or, if not, by mailing a copy of such charges by registered mail to such student or students at his/her or their usual place or places of abode while attending college and also to his/her or their home address or addresses, if different.

(d) The notice of charges so serviced shall fix a date for hearing thereon not less than 10 or more than 15 days from the date of service, which shall be the date of mailing where necessary to effect service by mail. Failure to appear in response to the charges on the date fixed for hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate thereon. Before taking such action, the hearing committee, herein after referred to, shall give notice to any student who has failed to appear, in the manner prescribed in subdivision (c), of its proposed findings and recommendations to be submitted to the chief administrative officer and shall so submit such findings and recommendations 10 days thereafter unless the student has meanwhile shown good cause for his/her failure to appear, in which case a date for hearing shall be fixed.

(e) Upon demand at any time before or at the hearing, the student charged or his/her representative, duly designated, shall be furnished a copy of the statements taken by the chief administrative officer in relation to such charges and with the names of any other witnesses who will be produced at the hearing in support of the charges; provided, however, that this shall not preclude the testimony of witnesses who were unknown at the time of such demand.

(f) The chief administrative officer may, upon the services of charges, suspend the student named therein, pending the hearing and determination thereof whenever, in his/her judgment, the continued presence of such student would constitute a clear danger to himself/herself or to the safety of persons or property on the premises of the institution or would pose an immediate threat of disruptive interference with the normal conduct of the institution's activities and functions; provided, however, that the chief administrative officer shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.

(g) There shall be constituted at each State operated institution, a hearing committee to hear charges against such students or violation of the rules for maintenance of public order prescribed by or referred to in this Part. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the chief administrative officer, and three students who shall be designated by the members named by the chief administrative officer. Each such member shall serve until his/her successor or replacement has been designated. No member of the committee shall serve in any case in which he/she is a witness or is or has been directly involved in the events upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the chief administrative officer shall designate an alternate member of the administrative staff and an alternate member of the faculty, and his/her principal designees shall designate an alternate student member, to serve in such cases. Any five members of the committee may conduct hearings and make findings and recommendations as hereinafter provided. At any institution where the chief administrative officer determines that the number of hearings that will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he/she may determine that the hearing committee shall consist of six members of the administrative staff and six members of the faculty to be designated by him/her and of six students who shall be designated by him/her. In such event, the chief administrative officer shall designate one of such members as chairperson who may divide the membership of the committee into three divisions, each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearings and make recommendations as hereinafter provided.

(h) The hearing committee shall not be bound by the technical rules of evidence, but may hear or receive any testimony or evidence that is relevant and material to the issues presented by the charges and that will contribute to a full and fair consideration thereof and determination thereon. A student against whom the charges are made may appear by and with representatives of his/her choice. He/she may confront and examine witnesses against him/her and may produce witnesses and documentary evidence in his/her own behalf. There may be present at the hearing: the student charged and his/her representatives and witnesses; other witnesses; representatives of the institutional administration; and, unless the student shall request a closed hearing, such other members of the institutional community or other persons, or both, as may be admitted by the hearing committee. A transcript of the proceedings shall be made.

(i) Within 20 days after the close of a hearing, the hearing committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the chief administrative officer, together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his/her representative. Within 10 days thereafter, the chief administrative officer shall make his/her determination thereon. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend or otherwise discipline them, shall be vested in the chief administrative officer. If he/she shall reject the findings of the hearing committee in whole or in part, he/she shall make new findings that must be based on substantial evidence in the record and shall include them in the notice of his/her final determination, which shall be served upon the student or students with respect to whom it is made.

\* Applies to charges for violation of the rules prescribed by or referred to in this Part heretofore served that have not been finally determined within 60 days after the adoption hereof, which charges shall be referred to the committee constituted pursuant to said section 535.9 for determination in accordance therewith and said section shall apply to all charges for violation of such rules hereafter made, whether for violations heretofore or hereafter committed.

#### *10. Rules for organizations.*

(a) Organizations. Organizations that operate on the campus of any State operated institution or on the property of any State operated institution used for educational purposes shall be prohibited from authorizing the conduct described in subdivision (1) of Section 535.3 of this Part.

(b) Procedure. The chief administrative officer of each State operated institution shall be responsible for the enforcement of this section, and, as used herein, the term chief administrative officer shall include any designee appointed by said officer.

(1) Whenever the chief administrative officer has determined on the basis of a complaint or personal knowledge that there is reasonable ground to believe that there has been a violation of this section by any organization, the chief administrative officer shall prepare or cause to be prepared written charges against the organization, which shall state the provision prescribing the conduct and shall specify the ultimate facts alleged to constitute such violation.

(2) Such written charges shall be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within 10 days of receipt of said notice. The notice of charge so served shall include a statement that the failure to submit a response within 10 days shall be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of the penalty described in subdivision (c) of this section. The response shall be submitted to the chief administrative office and shall constitute the formal denial or affirmation of the ultimate facts alleged in the charge. The chief administrative officer may allow an extension of the 10 day response period.

(3) Upon written request by an authorized representative of the organization, the chief administrative officer shall provide the representative organization an opportunity for a hearing. A hearing panel designated by the chief administrative officer shall hear or receive any testimony or evidence that is relevant and material to the issues presented by the charge and that will contribute to a full and fair consideration thereof and determination thereon. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The hearing panel shall submit written findings of fact and recommendations for disposition of the charge to the chief administrative officer within 20 days after the close of the hearing.

(4) Final authority to dismiss the charges or to make a final determination shall be vested in the chief administrative officer. Notice of the decisions shall be in writing; shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail manner described in paragraph (2) of this subdivision within a reasonable time after such decision is made.

(c) Penalties. Any organization that authorized the prohibited conduct described in subdivision (1) of Section 535.3 of this Part shall be subject to the decision of permission to operate on the campus or on the property of the State operated institution used for educational purposes. The penalty provided in this subdivision shall be in addition to any penalty that may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this Part.

(d) Bylaws. Section 64500) of the Education Law requires that the provisions of this Part that prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be deemed to be part of the bylaws of all organizations that operate on the campus of any State operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.

(e) Distribution. Copies of the provisions of this Part that prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be given to all students enrolled in each State operated institution.