

Student Handbook



Student Handbook

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Dear Students,

Optometry is an ever-changing and dynamic health care profession, and our goal at the State University of New York College of Optometry is to be innovative, bold and impactful in the ways in which we accomplish our mission. SUNY Optometry is dedicated to the education of optometrists, the advancement of eye and vision care through research and graduate education and the care of our community through comprehensive visual health services. The College is the only institution of its kind in the region. In fact, we've educated approximately 60 percent of all practicing optometrists in New York State.

The University Eye Center (UEC), the College's patient care facility, supports about 70,000 patient visits each year. In addition to primary eye care, the UEC is renowned for its specialty clinical services, including traumatic brain injury, infant vision, pediatrics, visually-related learning disabilities, vision rehabilitation, ocular disease and imaging, vision therapy, and specialty contact lenses. Moreover, an extensive array of clinical satellites and extramural programs further broaden the scope and diversity of the patients we serve and, along the way, extend our reach to underserved populations while enhancing the clinical experiences of our students.

A hallmark of SUNY Optometry is its commitment to leading the advancement of vision care through research. The College offers a PhD in vision science, both independently and in conjunction with the Doctor of Optometry degree, as well as an OD/MS program. Our Graduate Center for Vision Research oversees basic, translational and clinical research conducted by members of our faculty and professional staff—some of the leading optometric researchers working today. In addition, our faculty, students, research partners and members of our community work together to advance vision care at our Clinical Vision Research Center. This commitment to research not only leads to breakthroughs in patient care, but also provides opportunities for our students—the next generation of cutting-edge researchers—to be directly involved in this important, often groundbreaking, work.

Located in the heart of New York City, opposite the historic New York Public Library and beautiful Bryant Park, SUNY Optometry's home is an 18-story facility whose historical facade serves as a graceful reminder of the past and the entrance into a contemporary and pioneering educational institution.

Sincerely,



David A. Heath, OD, EdM
President

Introduction

Federal and state laws require that institutions of higher learning in New York State provide students with information regarding health, safety, rights of privacy, affirmative action policy, academic policies, financial aid information and policies related to students with disabilities. This **Student Handbook** is a compilation of policies and other information pertinent to your educational experience at the SUNY College of Optometry.

The SUNY College of Optometry and the State University of New York reserve the right to change programs, policies and requirements published in this handbook. As changes occur, supplemental material or announcements will be made to inform students.

Nondiscrimination Policy

Pursuant to SUNY policy, the College 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 College 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 College'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, Mr. Doug Schading; (212) 938-5882 or dschading@sunyopt.edu

Inquiries may also be directed to:

The United States Department of Education's Office for Civil Rights,
32 Old Slip 26th Floor,
New York, NY 10005-2500;
Phone: (646) 428-3800
Email: OCR.NewYork@ed.gov



College Information and Policies

The Optometric Oath

With full deliberation I freely and solemnly pledge that: I will practice the art and science of optometry faithfully and conscientiously, and to the fullest scope of my competence. I will uphold and honorably promote by example and action the highest standards, ethics and ideals of my chosen profession and the honor of the degree, Doctor of Optometry, which has been granted me.

I WILL provide professional care for those who seek my services, with concern, with compassion and with due regard for their human rights and dignity.

I WILL place the treatment of those who seek my care above personal gain and strive to see that none shall lack for proper care.

I WILL hold as privileged and inviolable all information entrusted to me in confidence by my patients.

I WILL advise my patients fully and honestly of all which may serve to restore, maintain or enhance their vision and general health.

I WILL strive continuously to broaden my knowledge and skills so that my patients may benefit from all new and efficacious means to enhance the care of human vision.

I WILL share information cordially and unselfishly with my fellow optometrists and other professionals for the benefit of patients and the advancement of human knowledge and welfare. I will do my utmost to serve my community, my country and humankind as a citizen as well as an optometrist.

I HEREBY commit myself to be steadfast in the performance of this my solemn oath and obligation.

(The Optometric Oath was standardized and adopted by the American Optometric Association (AOA) and the Association of Schools and Colleges of Optometry (ASCO) in 1986 as a means of encouraging professional ethical behavior.)

This oath is taken by all graduates of the SUNY College of Optometry during their commencement. It is, therefore, incumbent upon each student at the College to exhibit these same qualities and attributes, while matriculating at our institution. Honesty, integrity, professionalism, compassion, unselfishness, competence, decency and a concern for the rights and dignity of all students, faculty, staff and patients will be expected and demanded of students advancing through our curriculum.

Student Code of Ethics

This "Student Code of Ethics" was established by the students of the SUNY College of Optometry in 1999 as a way to share a mutual understanding and responsibility for conduct befitting a student of optometry. The intent of this code is to establish the highest standards of ethical conduct for our student body. The student by signing this code will agree to adhere to its principles and demonstrate the professional and ethical qualities that are expected of a student in a health professional program.

It shall be the Ideal, the Resolve and the Duty of Professional Optometric Students:

TO TREAT fellow students, faculty, patients and staff with the respect and dignity that is the right of every human being;

TO HONOR AND ADHERE to the qualities of honesty and integrity as they interact in the classroom, the clinic and in daily routine;

TO KEEP the visual welfare of the patient uppermost at all times;

TO PROMOTE in every possible way, as a group and individually, better care of the visual needs of humankind;

TO ENHANCE continuously their educational and technical proficiency to the end that their patients shall receive the benefits of all acknowledged improvements in visual care;

TO ADVISE the patient whenever consultation or referral seems advisable;

TO HOLD in professional confidence all information concerning a patient and to use such data only for the benefit of the patient;

TO CONDUCT themselves as exemplary citizens;

TO ACT in a fashion that is consistent with the ethics and ideals of a learned profession;

TO PROMOTE and maintain cordial and unselfish relationships with fellow students, faculty, staff and members of their own profession and other professions for the exchange of information to the advantage of humankind;

TO UPHOLD professionalism as has been defined and revered as the standard for all health practitioners.

Formal Complaint Procedure for Students

Formal complaints that are not academic in nature are addressed in the SUNY College of Optometry's "Formal Complaint Procedure for Students," below.

In most instances, grievances or issues of concern that students have at the College are addressed informally, often with the assistance of the vice president for student affairs and or another college faculty or staff member. However, a formal complaint may be initiated by any student.

- A formal complaint must be in writing, dated, signed by the complainant and addressed to the vice president for student affairs. (Please note that only written, dated and signed submissions will be processed as formal complaints; verbal and electronic submissions will not be processed.)
- The vice president for student affairs has the authority to forward those complaints with merit. If the complaint is against the vice president for student affairs, the formal complaint can be made to the president of the College.
- Upon receipt, the vice president for student affairs will forward the complaint to an appropriate College authority, usually another vice president, who has the authority to address the complaint. In certain situations, the vice president for student affairs may be deemed the appropriate authority to address a particular formal complaint.
- An acknowledgement of the complaint will be sent in writing by the appropriate College authority to the complainant (and a copy will be sent to the vice president for student affairs.) within 10 business days of the date the written complaint is received by the vice president for student affairs.
- The appropriate College authority will provide a written response to the complainant (and a copy will be sent to the vice president for student affairs) within 20 business days of the date the written complaint is received by the vice president for student affairs.
- The complainant has the right to redirect the complaint to the vice president for student affairs for further action if he or she is not satisfied with the initial response from the appropriate College authority.

Every effort will be made to resolve the complaint in a confidential manner and as expeditiously as possible, however, complete confidentiality cannot always be guaranteed. In the process of handling complaints, certain information may be distributed to appropriate administrators, respondents and/or witnesses in order

to investigate, institute remedial actions or to informally resolve the complaint.

Note: Due to the nature of the allegations being brought forth in certain instances, the vice president for student affairs may determine that certain complaints constitute alleged violations of the "Student Code of Ethics" (as outlined in this Student Handbook.) To resolve these cases, the College's Judicial Committee may be called upon to conduct interviews, collect statements and possibly conduct hearings. These are not legal proceedings.

Records of Formal Complaints:

Records of formal complaints will be kept for a minimum of five years by the vice president for student affairs. For each formal complaint received, the following information will be logged and maintained as part of the College's formal complaint log:

- The date the formal complaint was submitted to the vice president for student affairs ;
- The nature of the formal complaint;
- Copies of the acknowledgment and response (recorded by date) provided to the student from the appropriate College authority and the steps taken by the College to resolve the formal complaint;
- The College's final decision regarding the formal complaint, including any referral to outside agencies;
- Any other external actions initiated by the student to resolve the formal complaint, if known to the College (such as a lawsuit, EEOC investigation, etc.)

Student Conduct Code

The primary purpose of this document, the **Student Conduct Code** (also referred to as the **Code**), is to articulate the values of the SUNY College of Optometry community and to outline behaviors in which students are prohibited from conducting.

As a result of complaint cases, the College, through designated committees appointed by the president, will assure that steps are taken to prevent the reoccurrence of similar complaints. To the extent possible, the root cause of the complaint will be identified, policies and procedures will be reexamined and, when appropriate, changed to remedy the occurrence of complaints of similar nature.

The **Procedures for Enforcing the Student Conduct Code**, which follows this **Code**, outlines the procedures used by the College to enforce the **Code**.

(a) Campus Community Values

The College is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community will, ideally, choose actions that contribute to this end. Optometry students, and graduate students in Vision Science, are expected to be ethical citizens and to enact responsible behaviors that reflect well upon the College and the professions of optometry and vision science.

SUNY College of Optometry has articulated its community values as **Excellence; Leadership; Inquiry; Innovation; Service to Diverse Communities, and Professionalism** (more information is provided: http://www.sunyopt.edu/2013_strategic_plan/#/4/)

Grounded in the community value of **Professionalism**, the following ethical guidelines have served as time-honored expectations for the behavior by SUNY College of Optometry students:

- To exhibit the behaviors of a health care professional at all times;

- To treat fellow students, faculty, patients, and staff with the respect and dignity that is the right of every human being;
- To put the needs of others before one's own, in the classroom, laboratory, clinic, and community;
- To honor and adhere to the qualities of honesty and integrity as they interact in the classroom, laboratory, clinic, and community;
- To respect the College's resources and physical property as assets, shared by the community, to achieve the institutional mission;
- To hold in professional privacy or confidence all information concerning a patient and to use such data only for the benefit of the patient;
- To conduct themselves as exemplary citizens and always represent the College and the profession in a manner consistent with the ethics and ideals of a learned profession; and
- To promote and maintain honest and unselfish relationships with fellow students, faculty, professional colleagues, and patients.

(b) Grounds for Student Discipline

This section of the document outlines particular acts that are forbidden under this ***Student Conduct Code***.

Note: The ***Student Conduct Code*** and the accompanying ***Procedures for Enforcing the Student Conduct Code*** differentiate between ***non-academic misconduct*** and ***academic misconduct***. Prohibited behaviors in each of the two general categories are handled differently.

Student behavior that is not consistent with the ***Code*** is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences. The following are the grounds upon which student discipline can be based:

(1) Dishonesty, including:

(A) ***Academic Misconduct***: Cheating, plagiarism, or other forms of academic misconduct that are intended to gain unfair academic advantage. These include, but are not limited to, engaging in any action that undermines equity in student assessment and reduces the objectivity of evaluation of student work; appropriating an exam or exam materials without authorization; missing an exam in order to gain an advantage; engaging in collusion with other students or gaining unauthorized assistance on take-home examinations or other assignments; and withholding, removing, or destroying materials needed by other students.

Note: Cases of alleged academic misconduct may be handled by the instructor of record of the course, clinic, or lab, under the advisement and with the approval of the department chair and the student's consent. Cases handled within an academic department shall not result in the accused student receiving a sanction more severe than failing the respective assignment or the entire course, clinic, or laboratory in which the conduct allegedly occurred. **This is outlined further in Section (e) of *Procedures for Enforcing the Student Conduct Code*.**

(B) Furnishing false information to a College official, faculty member, or campus office

(C) Forgery, alteration, or misuse of a College document, key, or identification instrument, including patient records

(D) Misrepresenting one's self to be an authorized agent of the College or one of its auxiliaries

(2) Unauthorized entry into, presence in, use of, or misuse of College property

(3) Willful, material and substantial disruption or obstruction of a College related activity

(4) Participating in an activity that substantially and materially disrupts the normal operations of the College, or infringes on the rights of members of the College community

- (5) Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus College related activity
- (6) Disorderly, lewd, indecent, or obscene behavior at a College related activity, or directed toward a member of the College community
- (7) Conduct that threatens or endangers the health or safety of any person within or related to the College community, including physical abuse, intimidation, harassment, or sexual misconduct.
- (8) Hazing, or conspiracy to haze
Note: By law, SUNY provides a description of hazing that is governed by this *Code*. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution and in addition, any act likely to cause physical harm, personal degradation, or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term "hazing" does not include customary College sanctioned events. Neither the expressed or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident, is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
- (9) Illegal use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and College regulations) or the misuse of legal pharmaceutical drugs
- (10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and College regulations), or public intoxication while on campus or at a College related activity
- (11) Theft of property or services from the College community, or misappropriation of College resources
- (12) Unauthorized destruction, or damage to College property or other property in the College community
- (13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a College related activity
- (14) Unauthorized recording, dissemination, or publication of any academic materials (including presentations and handwritten notes) to individuals outside the College community or for a commercial purpose
- (15) Misuse of computer facilities or resources, including:
 - (A) Unauthorized entry into a computer or file, for any purpose
 - (B) Unauthorized transfer of a file
 - (C) Use of another user's identification or password
 - (D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the College community
 - (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages
 - (F) Use of computing facilities and resources to interfere with normal College operations
 - (G) Use of computing facilities and resources in violation of copyright laws
 - (H) Violation of a campus computer use policy

(16) Violation of any published College policy, rule, regulation or presidential order

(17) Failure to comply with directions of, or interference with, any College official or any public safety officer while acting in the performance of his/her duties

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well-being of members of the College community, to property within the College community or poses a significant threat of disruption or interference with College operations

(19) Obstructing this **Code** or the **Procedures for Enforcing the Student Conduct Code**, by engagement of any of the following:

- (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter
- (B) Disruption or interference with the orderly progress of a student discipline proceeding
- (C) Engagement in any student discipline proceeding in bad faith
- (D) Attempting to discourage another from participating in the reporting, investigation, or resolution of any student discipline matter
- (E) Attempting to influence the impartiality of any participant in a student discipline matter
- (F) Verbal or physical harassment or intimidation of any participant in a student discipline matter
- (G) Failure to comply with the sanction(s) imposed under a student discipline proceeding
- (H) Retaliation against an individual participating in the procedures

(20) Encouraging, permitting, or assisting another to conduct any act that might subject him or her to discipline

(21) Violation of any other written policies and/or procedures, which have been authorized and disseminated to students, of the College, the University Eye Center (UEC), and/or an affiliated site of the College or of the UEC.

(c) Interim Suspension Policy

The health and safety of the College community is of the utmost importance. When an student (who has **not been formally charged** or who **has been formally charged** with a misconduct violation) presents a continuing threat to the health and safety of the College community, the College may suspend the student immediately and for an indefinite period of time necessary to attain and review medical or psychological evaluation, or pending the outcome of a conduct process, at the discretion of the vice president for student affairs. (VPSA).

SUNY College of Optometry's **Interim Suspension Policy** may be applied at any time and the application of this policy may supersede the application of other College policies and procedures.

A respondent may request a prompt review of the interim suspension by contacting the vice president for academic affairs (VPAA) and may submit evidence in support of that request. The process to be followed, and the acceptable grounds for appealing an interim suspension, is outlined in the **Procedures for Enforcing the Student Conduct Code** document.

(d) Procedures for Enforcing This Code

The SUNY Board of Trustees, as per **Section 6450 of the New York Education Law**, requires that each SUNY campus, under the direction of the campus president, adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard, informally or formally, before the College imposes any sanction for a violation of the **Student Conduct Code**.

(e) Application of this Code

Sanctions for the conduct listed in the ***Procedures for Enforcing the Student Conduct Code*** (this document follows the ***Code***) can be imposed on enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from the College while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the College is within the jurisdiction of this ***Code*** regardless of whether it occurs on or off campus. Nothing in this ***Code*** may conflict with ***Section 6450 of the New York Education Law***; no action can be taken against students based on behaviors protected by the First Amendment. Free speech is a right of each student; however, time, place, and manner requirements for the utterance of speech is also dictated by the College.

Procedures for Enforcing the Student Conduct Code

This document, ***Procedures for Enforcing the Student Conduct Code*** (also referred to herein, as ***Procedures***), is used by the College to identify, prevent, investigate, and resolve alleged violations by students of the ***Student Conduct Code*** (also referred to as ***Code***). The ***Procedures*** are internal to the College and are intended to be non-adversarial and educational in their design and application.

(a) Definitions

The following words and definitions are to be used in relation to procedures, herein:

(1) "Complainant" shall mean an individual who alleges a formal complaint against a student in violation of the standards of student conduct.

(2) "College" and "Institution" shall mean the SUNY College of Optometry and all of its programs and affiliated program sites.

(3) "Faculty Member" or "Professor" or "Instructor" or "Adjunct" or "Guest Lecturer" shall mean any person hired, or otherwise retained, by the College to conduct classroom or teaching activities or who is otherwise considered to be a member of the faculty. The individual responsible for assigning final grades for an academic course is referred to as the "Instructor of Record".

(4) "Preponderance of the Evidence" shall mean a measure of proof that a reasonable person would accept as "more likely than not" that a fact is true or an incident occurred. The preponderance of the evidence is the standard of proof during a student conduct hearing to determine the hearing outcome.

(5) "Respondent" or "accused student" shall mean the student accused of violating the standards for student conduct.

(6) "Student" shall mean any person who is taking or auditing courses at the College, or is matriculating in any College program.

(7) "Working Days" shall mean regular working days: Monday to Friday, excluding official College holidays and College Closures.

(8) Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

(b) Administrative Roles

All administrative officials acting to resolve alleged violations of student conduct shall receive appropriate training and be apprised of applicable state and federal laws, including ***Title IX of the Education Amendments of 1972 (Title IX); Clery Act, VAWA, and FERPA.***

Even SUNY College of Optometry 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 for the Title IX Coordinator to investigate and/or seek a resolution.

Note: For matters related to alleged violations of Title IX, the College Discrimination Complaint Procedure and Process will be followed to resolve such cases, in accordance with its respective time lines, administrative roles, and procedures.

College officials shall act in the various administrative roles to intake, process, investigate, and resolve complaints from members of the College community regarding a student's alleged violation(s) of the **Code** or any alleged obstructions to the **Procedures** used to ensure fairness and impartiality in adjudicating student conduct cases.

You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

The various administrative roles for adjudicating violations of the ***Student Conduct Code*** are described below:

(1) Student conduct officer (SCO) is a member of the College administration whose responsibilities are to perform duties as prescribed in the **Procedures** and has been appointed by the President. The primary student conduct officer shall be the vice president for student affairs (VPSA). In his absence, or if he finds it necessary to recuse himself from a particular case, the senior director of financial aid will serve as the SCO.

(2) Hearing officers: Hearing officers shall consist of the faculty members and students who serve on the College judicial committee, as prescribed by college faculty. Hearing officers shall be free of any conflicts of interest that have the potential to influence the hearing officer's decisions or conduct and that may impact the resolution of the complaint.

The College judicial committee shall preside over the hearing, weigh the evidence, decide the outcome, and reach consensus on disciplinary sanctions to be imposed against the respondent.

Note: More information about the format of a formal hearing is located in Section (8) of this **Procedures** document.

The Standard Operating Procedure for Conducting a Formal Hearing, adopted by the College judicial committee, 1) provides a detailed outline of the hearing process; describes the composition of the judicial committee and the term length of its members; and provides the format that the hearing officers use to write their final report.

The judicial committee's final decisions shall be reported to the VPAA and copied to the VPSAIP.

(3) Title IX coordinator: The Title IX coordinator at SUNY College of Optometry is the director of human resources. In his absence, or if he finds it necessary to recuse himself from a particular case, the assistant

director of human resources will serve as the Title IX coordinator.

The Title IX coordinator, has been appointed by the College president to coordinate compliance with Title IX of the Education Amendments of 1972 (also referred to, herein, as Title IX) and to ensure compliance with corresponding laws and acts (listed in the note below) that pertain to alleged violations of discrimination and/or retaliation based on gender, and include sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking behaviors.

Note: These laws and acts include the following: The Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act); (20 U.S.C. 1092(f)) (VAWA); and the Campus Sexual Violence Elimination Act provision, Campus SAVE Act.

The ***SUNY Optometry Sexual Violence Response Policy and Procedure*** and the ***SUNY College of Optometry***

Students' Bill of Rights, also located in the Student Handbook, provide detailed information about the rights of complainants who report the types of violations listed under Section (3) of the ***Procedures***.

All students have the right to: 1. Make a report to local law enforcement and/or state police; 2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously; 3. 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 by the institution; 4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard; 5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available; 6. 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; 7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident; 8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution; 9. Access to at least one level of appeal of a determination; 10. 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 11. Exercise civil rights and practice of religion without interference the investigative, criminal justice, or judicial or conduct process of the institution.

(4) **University Police Department**: The University Police Department shall be consulted when appropriate at the discretion of the SCO to protect the health and safety of the College community and when required by law. College officials will cooperate with University Police and outside police investigators as necessary or as required by law.

(c) General Provisions

(1) **Advisors**: Complainants and respondents have the right to seek advice from an advisor (attorney, clergy, parent, faculty member, or whomever they choose). One advisor, upon request, may be present during a hearing, but may not represent or speak on behalf of the respondent or complainant. Should a respondent or complainant request an advisor to be present at a hearing, a written notice indicating the advisor's name, relationship to the respondent or complainant and contact information must be submitted to the SCO at least **10 working days** prior to the hearing. Failure or inability of an advisor to be present at a hearing will **not** delay the hearing or preclude the hearing from proceeding. Advisors must be approved by the SCO. During the hearing, advisors may be asked to leave a hearing by the hearing officer(s) if the advisor is deemed to disrupt or interfere with the hearing process.

(2) Confidentiality: Information provided to College officials during this process shall be considered **private** and will only be shared with other College officials and the University Police Department on a “need to know” basis. The College officials will make all attempts to honor a complainant’s request for **confidentiality**; however, College officials must weigh the request for confidentiality with concern for the health and safety of the College community and its members. Confidentiality in all cases, therefore, cannot be ensured.

Note: Distinctions between privacy and confidentiality are provided in the **SUNY College of Optometry Options for Confidentially Disclosing Sexual Violence**, located in the **Student Handbook**.

(3) Retaliation/Intimidation/Harassment: Retaliation, intimidation, or harassment against any complainant, witness or individual involved with the **Procedures** is strictly prohibited. Attempts to retaliate, intimidate, or harass through verbal, written, or physical means may result in disciplinary action.

(4) Conduct Violations and Amnesty for Alcohol and Drug Use Violations: The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

The College strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith, or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the College or to law enforcement will not be subjected to the College’s **Student Conduct Code** process for violations of alcohol and/or drug use, behaviors occurring at or near the time of the commission of the domestic violence, dating violence, stalking, and/or sexual assault.

(5) Parallel Jurisdiction:

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the **Code**. The College may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving discrimination, harassment or retaliation (including sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking). In such cases, the College shall proceed without delay pursuant to SUNY policies, as well as to state and federal policies.

The health and safety of every student at the SUNY College of Optometry is of utmost importance. SUNY College of Optometry recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY College of Optometry strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY College of Optometry officials or law enforcement will not be subject to SUNY College of Optometry’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

(d) Proceedings

(1) Complaint

A College community member may file a complaint against a student whom he or she believes is in violation of the **Code**. Complaints must be filed according to the requirements set forth in this section.

The student conduct officer (SCO) will not pursue non-written complaints except as required by state and federal law or as deemed appropriate by the SCO and other College officials to protect the health and safety of the College community members.

A written paper complaint (email complaint is insufficient) must be filed with the SCO and include:

- A. The name of the student in alleged violation of **Student Conduct Code**
- B. The name of the person making the complaint
- C. The nature of the complaint and the alleged violation of the **Code**
- D. Details of the complaint, including the dates and times that the alleged violations occurred (dates and times are critical)
- E. Signature of the complainant
- F. Date when the complaint is filed

A complaint shall be filed within **90 working days** of the alleged **Student Conduct Code** violation to ensure proper fact finding and investigation. Failure to file a complaint within the 90 working days may result in termination of any further processing of the complaint at the discretion of the SCO. The timeline to file a written complaint for **Title IX** violations is **180 days** from the date of the alleged.

Note: Complaints of **Title IX** violations filed after the 180-day period will be tracked and investigated to the extent possible consistent with the College **Title IX** obligations, including the **Title IX** coordinator's duties to identify patterns and address systemic issues.

(2) Investigation

The SCO will investigate complaints within **30 working days** and decide whether to dispose of the complaint, charge a student(s) with the alleged **Code** violation, and/or impose interim actions to include but not limited to: 1) interim suspension of the alleged student; 2) revoked right of the student from being physically present at the College; 3) issuance of no contact orders with the complainant or other College community members; or 4) other interim remedies to protect the health and safety of the College community and its members.

(3) Appeal of Interim Suspension

A respondent may request a prompt review of the interim suspension by contacting the vice president for academic Affairs (VPAA), and may submit evidence in support of that request.

A respondent suspended on an interim basis shall be given the opportunity to promptly appear personally before the VPAA in order to discuss the following issues only:

- A. The reliability of the information concerning the student's conduct, including the matter of his or her identity; and
- B. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student in the College building, or in the University Eye Center (UEC), or on the premises of a College affiliate location, poses a substantial and immediate threat to College community

(4) Notice of Investigation

Within **10 working days** of receiving the complaint, the student conduct officer (SCO) will notify, in writing, the student(s) in alleged violation of the **Student Conduct Code** that an investigation is underway or will be initiated against him/her.

(5) Notice of Conclusion of Investigation/Potential Charge

Notice will be provided to the student(s) in alleged violation of the **Code** and the complainant within **10 working days** of the conclusion of the investigation by the SCO, stating whether the student(s) will be charged with an alleged violation of the **Code** or whether the complaint was disposed. A student who will be charged with an alleged violation shall receive a written letter with the following information:

- A. The student's name
- B. The specific sections of the **Code** or **Procedures** that were alleged to be violated
- C. The allegation details that were reported and discovered during the investigation to support the violation
- D. Range of possible sanctions to be imposed
- E. Notice of the right to be accompanied by an advisor to the hearing
- F. Date, time, and location of the scheduled conference or hearing

(6) Notice to Witnesses

Witnesses will be given notice within 10 working days of the conclusion of the investigation asking for their cooperation and appearance at the scheduled conference or hearing.

(7) Informal Resolution

As an educational institution, SUNY College of Optometry contends that students charged with alleged violations of the **Student Conduct Code**, under normal circumstances, can learn from the disciplinary process and correct their misbehaviors. Accordingly, and at the discretion of the Student Conduct Officer (SCO) and with the formal written consent of the respondent, a written complaint may be mediated and resolved by the SCO in lieu of a formal adjudicated hearing by **official** informal resolution.

- A. However, if at any point, prior to resolution of the case, the SCO deems the evidence against the respondent to be so egregious that removing the accused student from the community may be necessary (via suspension or expulsion), the SCO shall terminate the informal hearing process and prepare the case for a formal hearing before the College judicial committee.
- B. Upon written consent for an informal resolution, a student waives his or her right to a formal adjudicated hearing; moreover, informal resolutions are final and cannot be appealed.
- C. Informal resolution cannot be used to resolve a case of alleged misconduct if prohibited by law under Title IX, VAWA, or other state or federal statutes, or when the alleged misconduct violation is severe enough to warrant possible sanctions of suspension or expulsion from the College (as stated in part A of this section)
- D. In cases of alleged academic misconduct, the SCO will confer with the respective department chair before exercising his discretion in the disposition of the case.

Note: Cases of alleged academic misconduct that occur within the context of a particular course, clinic, or lab may be resolved by the faculty member. **This is outlined in Section (e) of the Procedures.**

(8) Hearing

A hearing is the formal adjudicating mechanism to resolve an allegation of misconduct by a student. The hearing, intended to be educational in nature, is more prescribed than the informal resolution process and is subject to appeal.

The College judicial committee shall preside over the hearing, weigh the evidence, decide the outcome and reach consensus on disciplinary sanctions to be imposed against the respondent.

Hearings will be closed except to the SCO, the respondent, the complainant (which may be the College) and his or her advisor and witnesses during their testimony. At the discretion of the SCO or the judicial board chair, a UPD officer may be present during the hearing.

The hearing will be recorded or transcribed. Recording will be the property of the College and not distributed except as required by law. No other recordings will be permitted.

Accommodations will be made, at the discretion of the SCO, in consultation with the hearing officers, to allow witnesses to videoconference their testimony.

The student conduct officer will present the evidence discovered during the investigation process that includes, but is not limited to, calling witnesses and reading statements by witnesses who are not present at the hearing.

The respondent will have an opportunity to ask questions of witnesses and, later, present his or her own arguments and evidence.

Evidence will be weighed by the preponderance of the evidence standard to determine the outcome of the hearing.

Legal rules of evidence are not applicable during the hearing. Hearing officers may ask follow up questions or follow up with new lines of questioning.

If a respondent fails to appear, the hearing will proceed without the respondent.

Note: The *Standard Operating Procedure for Conducting a Formal Hearing*, adopted by the College judicial committee 1) provides a detailed outline of the hearing process; 2) describes the composition of the judicial committee and the term length of its members; and 3) outlines key sections of the written decision report that is written by the judicial committee.

(9) Decisions

The judicial committee shall issue a written decision report to the VPAA and issue a copy to the VPAIP (SCO), within 30 working days after the hearing. The report shall include the rationale for the decision along with any sanctions to be imposed against the respondent. Suspension from the College and/or expulsion from the College for academic misconduct may be placed on the student's transcript, at the discretion of the judicial committee.

(10) Notice of Decision to the Respondent

The Vice President for Academic Affairs (VPAA) shall review the written decision report and send notification, within 10 working days of receiving it from the judicial committee, via certified mail, to the respondent's address on file with the college registrar.

(11) Case Appeals

The respondent may seek an appeal within **15 working days** of delivery of the written decision via certified mail. The appeal must be in writing and submitted to the VPAA who will consider granting an appeal in his/her discretion based on the following:

- A. New compelling evidence not discovered prior to the hearing
- B. The decision was not supported by the evidence

- C. Other compelling reason presented by the respondent seeking the appeal

Note: Refer to ***SUNY Optometry Sexual Violence Response Policy and Procedure and to the SUNY College of Optometry Students' Bill of Rights for appeal procedures related to cases involving sexual assault, domestic violence, dating violence and stalking***. Both documents are located in the ***Student Handbook*** and provide detailed information about the rights of complainants who report alleged violations of sexual and interpersonal violence.

Sanctions imposed at the conclusion of an initial hearing may not be increased or made more severe, but may only be lowered or made less severe, at the conclusion of an appeal.

The respondent has no further right to appeal. However, the College president, in his review of a case, may choose to reopen it for a second level of appeal for the same three reasons listed under Section 11 of the ***Procedures***.

(e) Cases of Alleged Academic Misconduct Resolved at the Department Level

(1) Cases Submitted Directly to SCO. Written charges of alleged academic misconduct that occur within the context of a particular course, clinic, or laboratory may be brought by a complainant directly to the Student Conduct Officer (SCO), who will initiate the student conduct process, as outlined in Section (d) of these ***Procedures*** to resolve alleged violations by students of the ***Student Conduct Code***. In cases of alleged academic misconduct, the SCO will confer with the respective department chair before exercising his discretion in the disposition of the case.

(2) Cases Handled within Academic Department. Cases of alleged academic misconduct may be handled by the instructor or record of the course, clinic, or lab, under the advisement and with the approval of the department chair, but only with the written consent of the student. Cases handled within an academic department shall not result in the accused student receiving a sanction more severe than failing the respective assignment or the entire course, clinic, or laboratory in which the conduct allegedly occurred.

- A. The ***Student Conduct Code*** and these ***Procedures*** afford the accused student with due process rights, including the right to an investigation, the right to an informal or formal review of the evidence, the right of appeal, and right to appropriate notifications. When the respondent accepts responsibility for academic misconduct at the department level, and/or sanctions for the alleged academic misconduct to be imposed by the department, the student waives his or her right to any further adjudication of the case and will not be granted an appeal.
- B. Alleged misconduct reviewed by the instructor of record and the department chair that is deemed to be so egregious that the misconduct cannot be resolved by the sanctions available to the department (failure of the respective assignment or the entire course, clinic or laboratory) shall be submitted promptly to the SCO. The SCO will review the evidence and prepare the case for a formal hearing.
- C. If the accused student does not consent to adjudication at the department level, or if he or she does not consent to the sanctions to be imposed at the department level, the instructor or record or the department chair may submit the complaint to the SCO as outlined in Section (d) 1 of these ***Procedures***.

(4) Once a resolution between the accused student and instructor or record is reached and approved by the department chair, the department chair shall write a ***Letter of Academic Misconduct Resolution***, which includes the following information:

- A. Name of the student respondent
B. Date the letter is written and signed
C. Name of the faculty member who alleged that academic misconduct occurred
D. Name and section number of the course or lab

- E. Description of the alleged academic misconduct (as written in Section 1.1.A. of the **Code**), including the dates and times that the alleged misconduct occurred
- F. Brief description of the evidence weighed to determine that misconduct occurred
- G. Sanctions imposed by the academic department and accepted by the student
- H. Statement of student's waiver of rights to further adjudication of the case, including waiver of appeal
- I. Signatures of the department chair, the faculty member, and the student respondent.

The **Code** and **Procedures**, together, provide the College with a mechanism to consider an accused student's entire set of circumstances, including whether the reported instance of academic misconduct is part of a pattern of misconduct. Accordingly:

(5) After a resolution between the accused student and the instructor of record is reached and approved by the department chair, the department chair shall promptly send the original **Letter of Academic Misconduct Resolution** to the Office of the VPAA, and send copies to the SCO, to the respondent, and to the instructor of record.

(6) When the **Letter Academic Misconduct Resolution** is received by the Student Conduct Officer, the respondent shall be placed on disciplinary probation, as defined in Section (f) of the **Procedures** with the condition that any further violation of the **Student Conduct Code** or the **Procedures** will likely result in more severe disciplinary sanctions.

(f) Possible Sanctions

The following sanctions, as well as others that are not listed here, may be imposed for violation of the **Student Conduct Code**:

Academic Departmental Sanctions. Alleged student conduct violations that are handled by an academic department result in sanctions that include failure of a respective assignment, or failure of the entire course, clinic or laboratory, but do not include suspension or expulsion from the College.

Educational and Remedial Sanctions. Assignments, such as work, research, essays, service to the College or the community, training, counseling, or other remedies intended to discourage a repeat of the misconduct or as deemed appropriate based upon the nature of the violation.

Restitution. Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

Loss of Financial Aid. Scholarships, loans, grants, fellowships, and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.

Denial of Access to Campus or Persons. A designated period of time during which the student is not permitted: (i) on College property or specified areas of Campus or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

Disciplinary Probation. A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate any College policy during the probationary period. Disciplinary probation shall be tracked by the student conduct officer.

Suspension. Temporary separation of the student from active student status or student status.

Expulsion. Permanent separation of the student from student status from the College. Expulsion shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a settlement agreement.

Multiple Sanctions. More than one sanction may be imposed for a single violation.

Health Policy

The University Eye Center is licensed as an Article 28 Diagnostic and Treatment Center regulated by the New York State Hospital Code in accordance with Public Health Law 2803. Below is a summary of regulations pertinent to your role as a student-provider of health care services at the University Eye Center:

- In accordance with New York State Department of Health regulation an annual health status assessment must be provided by all staff (including students) to assure freedom from a health impairment, which is of potential risk to patients. The assessment must include documentation of a Tuberculosis status by PPD (Mantoux skin test) or other means annually and a health status assessment.
- Services must be provided without regard to age, race, color, sexual orientation, marital status, religion, sex, national origin or sponsor.
- A method for promptly handling patient complaints must be followed. (Note: All written patient complaints should be forwarded to your respective clinical supervisor.)
- Prompt follow-up action must be taken for patients with abnormal test results or physical findings.
- Cases of suspected child abuse or maltreatment must be identified, assessed, reported and referred; victims of domestic violence must be identified and treated.
- Patients must be granted access to their health care records in accordance with the provisions of Section 18 of the Public Health Law. (Note: Under no circumstances is staff to provide copies of any portion of a health care record directly to a patient or qualified person.)
- Participation is required in the University Eye Center's quality assurance activities at the request of your clinical supervisor.
- Report any occurrences that disrupt the provision of patient care services or cause harm to patients or staff, equipment malfunctions during treatment or diagnosis or patient transfers to a hospital.

THE INFORMATION PROVIDED HEREIN IS ONLY REPRESENTATIVE OF THOSE REGULATIONS IMPOSED ON OUR FACULTY PURSUANT TO THE NEWYORK STATE PUBLIC HEALTH LAW AND IS NOT INTENDED TO BE EXHAUSTIVE. PLEASE DIRECT ANY QUESTIONS TO CLINICAL ADMINISTRATION.

Mandatory Student Immunizations for Measles, Mumps and Rubella

All SUNY College of Optometry students will be required to provide proof of adequate immunization against measles, mumps and rubella as a condition of enrollment at the College. The mandatory health policy was instituted to comply with New York State Public Health Law 2165, which was passed in June 1989, requiring full-time students attending colleges and universities in New York State to demonstrate proof of immunity against measles, mumps and rubella. Proof of immunity consists of a certificate of immunizations signed by a physician or health care provider which documents measles, mumps and rubella immunity. The certificate must specify the type of vaccine and the dates (month, day, year) of administration or the date of disease diagnosis, if any, or the date of serologic testing and results, if any. A student health record from a previously attended school, which properly documents the immunization history previously described, is acceptable as proof of immunity.

Requirements for registration and attendance include completion of the SUNY College of Optometry Student Health Form containing the following information:

- Medical history
- Physical examination
- Tuberculin test (within one year)
- If tuberculin test is positive, a chest x-ray recording the results, date and place of the examination is required.
- Proof of two doses of measles vaccine, and one dose each of mumps vaccine and rubella vaccine or serological evidence of antibodies.
- The Hepatitis B vaccine (three shots) is strongly recommended but not required. You are, however, required to notify the College if you have received the vaccine, if you will be receiving the vaccine or if you do not wish to receive the vaccine.

If a student does not comply or does not present acceptable evidence of compliance, the College must refuse to allow the student to continue in attendance.

Information about Hepatitis B and the Vaccine (Recombinant)

All students should be aware of the signs and preventability of Hepatitis B. Since medical history and examination cannot reliably identify all patients infected with Hepatitis B (HBV) or other blood-transmissible pathogens, barrier safeguards should be used by all individuals that provide care to patients at the University Eye Center. Hepatitis B (serum hepatitis) is a disease that is more common in hospital workers than it is in the general population. Those at the highest risk are those whose jobs may result in direct contact with blood, such as patient care workers in emergency rooms and dialysis units, as well as technicians in blood banks and coagulation laboratories.

Though optometric student interns are not in this "highest risk" category, they are entering into a profession in which direct patient contact is necessary. This will be true as you rotate through the various clinics at the University Eye Center and various satellite facilities. Since there is always the possibility of infection, no matter how slight, and because this particular disease has received considerable public health attention, the College wishes to make you aware of the options available, should you wish to avail yourself to them. Most individuals who get Hepatitis B have either no symptoms or only a mild illness. Many, however, will be sick enough to be temporarily disabled and a few will have severe life-threatening illness. In addition, some people who recover from the attack will become carriers of the virus (a condition in which they may infect others) and some will develop chronic hepatitis or cirrhosis.

In the trials of the Hepatitis B vaccine, it was given to several thousand individuals. The major side effects were mild soreness at the injection site and slight fever. Rash, nausea, joint pain and fatigue were rarely reported. Reactions were seen no more frequently than when a placebo (an injection that did not contain vaccine) was given. However, it is possible that unanticipated side effects may appear that were not seen when the vaccine was under study. These side effects may be unimportant or serious, but there is a very real danger that without vaccination, a substantial number of people will develop Hepatitis B and some have serious complications from that disease.

For effective immunity, a total of three injections are needed (two primary injections and one booster). The first two injections are given one month apart and the booster is given six months after the first injection. More than 95 out of 100 people who receive all three injections will become immune to Hepatitis B. Experience indicates that the immunity lasts at least five years and may be lifelong, though it is too early to be sure. Those who do not respond to the vaccine will be susceptible to Hepatitis B.

If you are **allergic to yeast**, you may not receive the vaccine. Also, if you have a **low grade virus** (i.e. aches, fatigues, etc.), it is better to wait until your symptoms pass before getting the vaccine. If you are **pregnant or**

a nursing mother you may not wish to get the vaccine because Pregnancy Category C Animal Reproduction studies have not been conducted and it is not known whether the vaccine is excreted in human milk. It is recommended that you consult with your physician for more information about this disease and the vaccine.

Religious Observances Policy

The SUNY College of Optometry respects the rights of individuals to observe their religious beliefs. Faculty, staff or students will be excused from classes and UEC clinics for religious observances in accordance with New York State Education Law, Article 5 Section 224-a.

Excused absence from clinic for religious observances requires advance notice to the appropriate UEC Service Chief at the beginning of the term to facilitate coverage and rescheduling. For academic courses, faculty must notify their Department Chair and students must notify the Instructor of Record at the beginning of the term so that examinations and other assignments will not be scheduled on religious holidays if possible. Students are always responsible for any missed material, requirements, labs or clinics and must ensure that any missed examinations or assignments are excused and made up. Faculty and Service Chiefs must make reasonable and equitable accommodations to students when assignments are made up. Faculty must take vacation leave for missed days.

New York State Education Law, Article 5

Section 224-a. Students unable because of religious beliefs to register or attend classes on certain days.

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he or she is unable, because of his or her religious beliefs, to register or attend classes or to participate in any examination, study or work requirements on a particular day or days.
2. Any student in an institution of higher education who is unable, because of his or her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his or her religious beliefs, an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If registration, classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or make up classes, examinations, study or work requirements or opportunity to register shall be made available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements or registration held on other days.
5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his or her availing himself or herself of the provisions of this section.
6. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institution of higher education is located for the enforcement of his or her rights under this section.
7. 6-a. It shall be the responsibility of the administrative officials of each institution of higher education to give written notice to students of their rights under this section, informing them that each student who

is absent from school, because of his or her religious beliefs, must be given an equivalent opportunity to register for classes or make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.

8. As used in this section, the term "institution of higher education" shall mean any institution of higher education, recognized and approved by the regents of the university of the state of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma. Such term shall not include any institution which is operated, supervised or controlled by a church or by a religious or denominational organization whose educational programs are principally designed for the purpose of training ministers or other religious functionaries or for the purpose of propagating religious doctrines. As used in this section, the term "religious belief" shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under section 501 of the United States Code.

Alcohol and Drug Policy

The service and consumption of alcoholic beverages at SUNY College of Optometry are governed by the New York State Alcohol Beverage Control law and other laws of the State of New York. Based on such laws, campus policy is as follows:

- Alcoholic beverages may not be brought into the College's building unless formal, written approval is obtained in advance from the vice president for student affairs.
- No person shall be served alcoholic beverages on campus to consume on campus or elsewhere:
 - If that person is, or appears to be, under the age of 21;
 - If that person is, or seems to be, intoxicated or is known to the server to be a problem drinker.
- The individual group or groups sponsoring an event at which alcoholic beverages are served (the sponsor) shall be responsible to make sure that all New York State laws and regulations and all SUNY College of Optometry rules and regulations regarding the sale, use, service and consumption of alcoholic beverages are observed at such an event. This responsibility shall include, without being limited to, the following:
 - Items in this policy as stated above;
 - Instruction by the sponsor to the person or persons actually serving alcoholic beverages at the event that they shall not serve or sell alcoholic beverages to any person who is or appears to be intoxicated, who is known by the server to be a problem drinker or who is or appears to be under the legal drinking age.

This policy is applicable to all events at which alcoholic beverages are served at the SUNY College of Optometry. In addition, specific policies, procedures and regulations governing particular facilities or populations will be developed by the persons or offices authorized to do so, in conjunction with the Office of Student Affairs or Human Resources.

College Policy Statement On Drug and Alcohol Use by Students

The SUNY College of Optometry is committed to the development and maintenance of a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, the College will not tolerate the abuse of alcohol or the unlawful possession, distribution and use of controlled substances and alcohol on the SUNY Optometry campus.

It is the position of SUNY Optometry that the abuse of alcohol and/or the illegal possession or use of other drugs adversely affects the College community's pursuit of its educational and patient care goals.

Furthermore, as a state-supported institution, it is the responsibility of the College to uphold both state and federal laws.

Compliance with the College Policy on Drug and Alcohol Abuse shall be a condition of attendance at the SUNY College of Optometry.

Any student convicted of any criminal drug statute violation occurring in or on property owned or controlled by the SUNY College of Optometry is required to give a signed, written notice of the conviction to the chief of University Police within five calendar days following the conviction.

Students who violate the policy may be subject to disciplinary action in accordance with the College code of conduct. Possible disciplinary action includes probation or dismissal from the College. Further, violators may be required, as a condition of continued attendance at the SUNY College of Optometry, to participate in an approved drug or alcohol rehabilitation program.

The SUNY College of Optometry will notify the appropriate federal agency, when applicable, within 10 days of notice of a student conviction. In addition to College sanctions, violators may be subject to criminal prosecution under federal and state laws which specify fines or imprisonment for conviction of drug related offenses. Where appropriate or necessary, the College will cooperate fully with law enforcement agencies.

Federal penalties and sanctions for the illegal possession of a controlled substance are detailed in the Controlled Substance Act (21 U.S.C. 811, 844, 853.)

For the first conviction, imprisonment may be imposed up to a year and fines issued of at least \$1,000. There are special sentencing provisions for the possession of crack cocaine that mandate at least five years in prison and fines of up to \$250,000.

New York State Penal Law Article 220 set criminal penalties for possession or sale of controlled substances 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.

Marijuana is placed in Article 221 and is dealt with separately in the Penal Law, as a result of the Marijuana Reform Act of 1977.

Section 220.44 makes criminal sale of a controlled substance in or near educational facility grounds a Class B felony.

220.45 makes criminal possession of a hypodermic instrument a Class A misdemeanor.

220.46 makes criminal injection of another person with a narcotic drug—with consent of that person, a Class E felony.

220.50 bans possession or sale of drug paraphernalia; deals with things that dilute drugs, like dextrose or mannite; and gelatin capsules, plastic envelopes, etc., considered commercial preparation materials, a Class A felony.

220.60 makes criminal possession of certain “precursors” of controlled substances used in their preparation or manufacture, but not the drugs themselves, a Class E felony (for example, ergot or diethylamide).

220.65 makes criminal sale of a prescription for controlled substance a Class C Felony.

It is important to be aware that under the Penal Law, a gift of drugs, including marijuana, is treated as a sale.

220.70 makes criminal possession of methamphetamine manufacturing material with the intent to unlawfully produce, prepare or manufacture methamphetamine a class A misdemeanor.

The amendments to Article 5 section 65-b and 65-c of the Alcoholic Beverage Control Law (Chapters 225, 586 and 592 of the Laws of 1989) provide:

Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with the intent to consume the beverage. Exceptions are provided for the consumption in an institutional setting and in cases where the alcoholic beverage is provided by a parent or guardian.

Violators are subject to a fine of up to \$50 per offense but are not subject to arrest. Alcoholic beverages involved in the alleged violations of this law may be seized by authorized law enforcement officials including University Police officers. Disposal and destruction of the seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court. Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proof of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100 and a community service requirement of up to 30 hours. In addition, the court may order completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law.

Effective October 19, 1989, a person under the age of 21 who presents an altered New York State drivers license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

For more information visit: <http://ypdcrime.com/abc/article5.htm>

SUNY State College of Optometry Tobacco-Free Policy

Purpose:

This tobacco-free policy has been developed to comply with the requirements of federal, state, city, and SUNY's initiative towards healthy living and a healthier NY. In addition, the policy is developed to promote a healthy, productive, respectful, safe, and sustainable environment and to protect all members of the College Community, including visitors and University Eye Center (UEC) patients, from secondhand smoke - an established cause of cancer and respiratory disease.

Policy:

Smoking and the use of tobacco products is prohibited within the building and outside the building within the property line on sidewalks both at the 42nd and 43rd street sides of the building. In addition, as we focus on a tobacco-free environment any product that looks like a cigarette (including electronic cigarettes) or is used to inhale, smoke, chew tobacco is included in this campus ban. No Smoking/Tobacco signs have been visibly posted at all points of entry into the College and prominent locations within the building.

Compliance:

This policy applies to all faculty, staff, students, visitors, contractors, volunteers, and UEC patients. The effective date is June 1, 2015. The success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All students, faculty, and staff collectively share in the responsibility for adhering to and enforcing this policy. Copies of this policy shall be distributed to all faculty, staff, and students.

Any person who violates this policy may be subject to corrective action through established College procedure for handling work-related misconduct or Student Code of Conduct violations.

Smoking Cessation Opportunities:

The College encourages all smoking members of the College Community to quit smoking. Smoking cessation

information is available from the New York Smokers' Quit Line at 1-866-NY QUITTS (1-866-697-8487), New York City 311, and or Manhattan Smoke-Free Partnership (646-619 6694).

Questions:

Any questions with regards to this smoke-free policy should be directed to the Environmental Health & Safety Office at 212 938 5581 or Committee on Health, Safety, & Energy Conservation at 212 938 5578.

DEFINITIONS:

A. "**Electronic Smoking Device**" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

B. "**Smoking**" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

C. "**Tobacco Product**" means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating



Emergency Services

If the College is (or will be) impacted by severe weather conditions, or in the event of a major emergency that poses an ongoing or continuous threat to the College community, information will be disseminated in the following manner:

- The College Website - <http://www.sunyopt.edu>
- Recorded message on the College's main telephone number: 212-938-4000
- Office 365 Electronic Mail
- Rave Alert Emergency Mass Notification System
- Local news media: WCBS radio: www.wcbssnow.com/closings/orgs

On Campus Emergencies

The University Police should always be notified first for any on-campus emergencies in order to facilitate a proper and prompt response. Moreover, many situations are able to be resolved by University Police officers.

Useful Resources

Dial 5555 for any emergencies, suspicious behavior, accidents, injuries or campus safety issues to contact the University Police.

For non-emergencies, dial 5566

Off Campus Emergencies

Accident	New York City Police	911
Injury & Medical	NYC Emergency Medical Services	911
Crime in progress	NYPD	911
Rape or Sexual Assault	Report Hotline	(212) 267-7273
Crime Victim	Victim Services	(212) 577-7700
	Claims	(718) 923-4325
Terrorism Tips Hotline	1-888-NYC-SAFE	1-866-SAFE-NYS



Campus Safety Information

Campus crime statistics for the past three years can be found on the College's website here: http://www.sunyopt.edu/offices/university_police/crime_report. All members of the College community are urged to report criminal incidents, emergencies and suspicious activities to the University Police Department. The College's emergency number is 5555. Incidents can be reported as follows:

- When you dial x5555, a University Police Officer will immediately respond to investigate and act upon the emergency that you report. Once the emergency has been stabilized, the officer will take a statement from the person reporting as part of an official University Police "Service and Regulatory Report." This report will then be kept on file.
- Incidents can also be reported in person to an officer at the University Police desk located on the first floor. A University Police Officer will immediately respond to apprehend the perpetrators, if a crime has been committed. A "Crime Incident Report" will be completed for all criminal offenses. In some instances, depending on the severity of the crime, the New York City Police Midtown Precinct South will be called for assistance.

Security and Access to the SUNY College of Optometry

There are two entrances into the College, one from 42nd Street and one from 43rd Street. Both entrances are secured by University Police personnel. The main entrance is on 42nd Street. The 43rd Street entrance closes at 7pm on weeknights and throughout the weekend. All students, faculty and staff are issued identification cards that must be shown when entering the building and worn on their outermost garment. Visitors are checked against the expected guest list for the day. The desk officer then issues a visitor's pass after a visitor is cleared. Patient's access into the college is limited to the clinical floors only. Patients are issued color-coded passes, which differentiate them from other visitors to the building.

The college is open as follows:

Monday - Friday, from 7:00am - 10:00pm

Saturday, 8:00am - 5:00pm

Sundays 10:00am - 10:00pm, during summer months from 10:00am - 6:00pm

The College is closed on all New York State holidays

SUNY University Police Officer Status and Responsibilities:

SUNY University Police Officers are responsible for enforcing applicable city, state and federal laws as well as SUNY policies and College regulations. In order to do so, University Police Officers have full police officer status and have undergone required basic training for police officers through standards set by the Municipal Police Training Council and the State University of New York. Officers have been trained as first responders to both medical and non-medical emergencies, conflict resolution and undergo continuous training to upgrade their skills.

A University Police Officer has the power to make an arrest on the College's premises up to the perimeter of the building. If an individual is arrested at the College, the NYPD Midtown Precinct South will be contacted for assistance to transport the arrested individual to be fingerprinted and photographed at the precinct. A "Crime Incident Report" will be filled out at the College and forwarded to the appropriate authorities. Communication is made to students and employees on how to handle and report crimes through the offices of Student Affairs, Human Resources and the University Police.

The SUNY College of Optometry maintains a memorandum of understanding with the NYPD regarding mutual assistance and cooperation with investigation and enforcement of laws. Criminal activities that occur off campus should be reported to the NYPD precinct with jurisdiction in the local area.

The memorandum of understanding with the NYPD details mutual cooperation with each institution during incidents of missing persons and violent felony crimes. Areas of cooperation include investigations, information sharing and reporting. Firearms and dangerous weapons of any type are not permitted on campus. It is a violation of State law and College policy to intentionally use, possess or sell firearms or any dangerous weapon on campus.

Sensitive and/or Personal Crimes:

An annual awareness talk on prevention of crimes, importance of support services and assistance to victims of sexual assault and other personal crimes is presented by the University Police.

Emergency Response and Evacuation Procedures

The College's emergency Response Plan is available on the University Police website: http://www.sunyopt.edu/offices/university_police/emergency_response

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX.

Sexual Harassment is a form of sexual discrimination that violates Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments Act of 1972, as clarified by the Civil Rights Restoration Act of 1988. Sexual harassment takes many forms, from constant joking to physical assault. It includes sexually oriented verbal kidding or abuse, including derogatory or dehumanizing gender references, such as whistling, catcalls or sexual remarks or jokes. It may be subtle overt pressure for sexual activity; physical contact such as patting, pinching or constant brushing against another's body.

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

Hostile environment is unwelcoming and demeaning behavior that creates a hostile, intimidating or offensive environment, or unreasonably interferes with an individual's work or academic performance. For Title IX purposes, the conduct must be sufficiently serious that it adversely affects (denies or limits) a student's ability to participate in or benefit from the school's program based on sex.

Pursuant to SUNY policy, the College 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 College 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 College'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

Mr. Doug Schading, director of human resources and affirmative action

Phone: (212) 938-5882

Email: dschading@sunyopt.edu.

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights

32 Old Slip 26th Floor,

New York, NY 10005-2500

Phone: (646) 428-3800

Email OCR.NewYork@ed.gov.

Sexual Assault, Rape, Stalking and Domestic Violence

New York State statutes define sexual assault in various degrees. Sexual assault, of any kind is a crime.

Sexual assault is any actual or attempted nonconsensual sexual activity including but not limited to, forcible anal or oral sex, attempted intercourse, sexual touching, exhibitionism by a person(s) known or unknown to the victim.

Rape is the act of sexual intercourse with a person against one's will and consent, whether their will is overcome by force or fear resulting from the threat of force, or by drugs administered without consent, or when they are unconscious, intoxicated or otherwise physically unable to communicate willingness. Be aware that having sex with someone who is unable to give consent by being mentally incapacitated or unconscious (passed out) is rape. If you are a victim of a rape or sexual assault, seek medical attention immediately. It is also suggested that you do not: bathe or douche, change clothing, comb your hair, or brush your teeth or disturb the area in which the crime occurred. These actions destroy physical evidence that may be necessary to apprehend or convict the attacker.

Stalking occurs when a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to cause reasonable fear of harm to the health, safety or property of such person, any member of such person's family or a third party with whom such person is acquainted.

Domestic violence is a pattern of coercive tactics which includes physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner with the goal of establishing and maintaining power and control over the victim. Intimate partner includes: persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or lived together at any time; couples who live together or persons who are dating or who have dated in the past, including same sex couples.

For more information about the College's Domestic Violence Policy and Prevention Procedures, please visit: http://www.sunyopt.edu/offices/human_resources/policies_and_procedures

SUNY Optometry Sexual Violence Response Policy and Procedures

http://www.sunyopt.edu/pdfs/hr/SUNY%20Optometry%20Sexual%20Violence%20Response%20Policy_Publish02%202015.pdf

Options for Confidentially Disclosing Sexual Violence

<http://www.sunyopt.edu/pdfs/hr/SUNY%20Optometry%20Options%20for%20Confidentially%20Disclosing%20Sexual%20Violence.pdf>

SUNY College of Optometry Sexual Violence Victim/Survivor Bill of Rights

<http://www.sunyopt.edu/pdfs/hr/SUNY%20Optometry%20Sexual%20Violence%20Victim%20Bill%20of%20Rights.pdf>

Registered Sex Offenders

The New York State Division of Criminal Justice Services (DCJS) maintains a sex offender registry. DCJS will notify University Police if and when a registered sex offender enrolls at or becomes employed by the SUNY College of Optometry. Any member of the College community interested in obtaining this information should inquire at the University Police information desk. The DCJS' Sex Offender Registry Subdirectory is available for public view at: http://criminaljustice.state.ny.us/nsor/search_index.htm,

Important Phone Numbers

Sex Crimes Report Hotline	212-267-7273
Crime Victim's Hotline	646-610-RAPE
Crisis Counseling and Referral Hotline	212-532-2400
Safe Horizon	212-227-3000
NYS Crime Victims Board	800-247-8035



Health Services

Immunization

New York City Department of Health provides some immunization services at walk-in clinics free of charge:

Corona Health Center
34-33 Junction Blvd - 3rd Fl.
Queens, New York 11372
Btwn: 34th Ave. & 34th Rd.
Adults only W,F
8:30 am - 2:00 pm
#7 train to Junction Boulevard

Chelsea Health Center
303 Ninth Avenue - 1st floor
New York, NY 10001
Btwn: 27th & 28th Sts.
M,T, Th,F 8:30am-2:30pm
C or E train to W. 23rd or 1 train
to W. 28th St. 212-676-2273
Call 311 or (212)676-2273

Homecrest Health Center
1601 Avenue S - 1st Fl.
Brooklyn, New York 11229
Btwn: East 16th & E 17th Sts.
M, W & F 8:30am - 2:30pm
Q train to Ave. U or B or Q train to
Kings Highway 718-420-1028
718-339-6243

Richmond Health Center
51 Stuyvesant Place - 2nd Fl.
Staten Island, New York 10301
Btwn: Wall St & Richmond Terr.
M 8:30am - 2:30pm
Near the Staten Island Ferry
Terminal

General Health Services

The following centers have clinics which offer physical exams and general ambulatory care. The fee scale is sliding based on income. The telephone numbers listed are general numbers. When you call, you will need to ask specifically for the clinics which offer physical exams or general ambulatory care.

Manhattan

Cabrini Haven Plaza Family Medical Practice offers general family medicine, including pediatrics, adolescent medicine, well-baby care and women's health services. The services they provide are routine check-ups, immunizations, school physicals, breast examinations and diabetes management. A medical hotline is available for after office hours guidance. Medicaid, Medicare and other insurances are accepted.

Cabrini Haven Plaza Family Medical Practice
1 Haven Plaza (Avenue C and 12th Street)
New York, NY
(212) 677-2280

Bellevue Hospital Center
462 First Avenue
New York, NY 10016
(212) 562-4141

Metropolitan Hospital Center
1901 First Avenue
New York, NY 10029
(212) 423-6262

Harlem Hospital Center
Diagnostic and Treatment
506 Lenox Avenue
New York, NY 10037
(212) 939-1000; (212) 932-6500

Renaissance Health Care Network
Diagnostic and Treatment Center
215 West 125th Street
New York, NY 10027

Brooklyn

Coney Island Hospital
 2601 Ocean Parkway
 Brooklyn, NY 11235
 (718)616-3000

Cumberland Diagnostic and Treatment Center
 100 North Poland Avenue
 Brooklyn, NY 11205
 (718)260-7500

Kings County Hospital Center
 451 Clarkson Avenue
 Brooklyn, NY 11203
 (718)245-3131

East New York Diagnostic and Treatment Center
 2094 Pitkin Avenue
 Brooklyn, NY 11207
 (718)240-0400

Woodhull Medical & Mental Health Center
 760 Broadway
 Brooklyn, NY 11206
 (718)963-8000

Queens

Elmhurst Hospital Center
 79-01 Broadway
 Elmhurst, NY 11373
 (718)334-4000

Queens Hospital Center
 82-68 164th Street
 Jamaica, NY 11432
 (718)883-3000

Flushing Hospital and Medical Center
 4500 Parson's Blvd
 Flushing, NY 11355
 718-670-5000

Mental Health Practitioners

The New York Psychotherapy Group is an organization of experienced therapists throughout Manhattan who offer a full range of services at moderate cost. Fees are based upon a sliding scale. Call 212-673-0884 for an appointment.

Stress Management

Feeling lonely, anxious or pressured? The Training Institute for Mental Health has therapists available Monday through Saturday, days and evenings. Please call an intake specialist to make an appointment.

Training Institute for Mental Health
 15 West 27th Street, 4th Floor New York, NY 10001-6217

*between 6th ave. and 7th ave. on 27th st
 (212)627-8181

Health Insurance Program Options

The College strives to build a vibrant community. A vibrant community is a healthy community. As such, we encourage every students to seek health insurance coverage. Moreover, it is the law. The Affordable Care Act (aka: Obama Care) requires that every citizen obtain health insurance.*

- In January 2015, many new health insurance options became available through the *Individual Marketplace*, New York State’s insurance website (“insurance exchange”), which was designed and implemented under the *Affordable Care Act*.
- On the Individual Marketplace website you can quickly compare health plan options and apply for assistance that could lower the cost of health coverage. The site’s address is listed below:

<https://nystateofhealth.ny.gov/individual/>

- Students and families may also qualify and enroll in free or low-cost coverage insurance from Medicaid or Child Health Plus on this website.
- It is recommended that domestic students be insured before the beginning of the academic year. No open enrollment period exists for the *Individual Marketplace* and preexisting conditions are covered by law.
- You should choose a health insurance plan that is affordable but that also meets your individual needs. When choosing a plan, including Medicaid, consider:

- Level of coverage you need (monthly premium, cost per visit)
- Plan network (doctors, clinics and hospitals covered by the plan; staying within any given network will save you money)
- Prescription drug coverage and costs (take into consideration formulary medications that you may be currently taking for preexisting conditions)
- Exclusions and limitation
- Out-of-state coverage (this is particularly important on your fourth year rotation if you are assigned to out-of-state rotations)

- Austin & Co., Inc. Student Accident and Sickness Insurance Plan: for students under the age of 25, annual enrollment is \$2,623 and for students age 25 and over, the annual enrollment is \$3,765. For more information on eligibility, coverage and how to apply, students may contact:

Katrina Papa
Senior Claims Specialist
Austin & Co., Inc.
Phone: (518) 465-3591
Email: kpapa@austin-co.com

- **International Students:**
 - International students are required to have health insurance coverage. The State University of New York has a mandatory health insurance plan for all international students (automatically charged to international students’ tuition bills by the Bursar’s Office.)
 - International students may be waived from this comprehensive plan if they provide the College with verification from their health insurance carrier detailing the coverage that they have. For more information, please refer to the brochure: [International Students](#) [Student Medical and Evacuation Form](#)

- **Dental Insurance**
New York University College of Dentistry
The NYU Stu-Dent Plan
345 East 24th Street
Phone: (212) 998-9870

Website: www.nyu.edu/dental/stu-dent.html

Enrollment Fee: \$235. Information is available in the Office of Student Affairs.

- **Eye and vision services** are available at the SUNY College of Optometry's clinic, the [University Eye Center](#).
- Students can purchase their own health insurance plans or attain coverage through someone else's policy (usually that of a parent or spouse)
- failure to obtain health insurance coverage may result in tax penalties when you file your income tax returns.

Student Housing

Moving to New York City is an exciting transition that allows students to experience the benefits of living in one of the greatest cities in the world. We also understand that moving to NYC can seem daunting. With that in mind, the Office of Student Affairs has compiled a collection of helpful resources that will help you with the transition. You can find this on our website here:

http://www.sunyopt.edu/education/admissions/new_york_city

Housing Committee

The Housing Committee was created to provide information that will better shape your understanding of the apartment search process in New York City. Students set their priorities regarding cost, space, distance and area, and the Housing Committee assists the student in locating and securing suitable housing to meet his/her specific needs.

The Committee is available to provide advice, maps of the city, directions, use of our telephones and online services and any other assistance you may require. The Housing Committee operates under the direction of the Office of Financial Aid and functions between April and September

Housing Day

SUNY also sponsors a "Housing Day" in July where students will get more information about apartments. Students will have the opportunity to speak to upper-class students about living in the different boroughs and will often receive a list of available apartments or sublets.



Professional Standards of Dress

Appearance is important, especially in a clinical setting. It is the policy of the SUNY College of Optometry and the University Eye Center that all students present a neat, clean and professional appearance.

Specifically, the University Eye Center has the following guidelines for students who are interacting with patients and/or the public:

- All items of clothing should be neat, clean and properly laundered, dry cleaned or pressed. Stockings or socks should be worn at all times. Laboratory coats/jackets should be clean and worn where provided or required.

The following items may not be worn while on duty at the UEC:

- T-shirts with logos, shorts, sweat pants/shirts, faded, bleached or torn/frayed jeans or other clothing, low-back or backless tops or dresses and tank tops.
- Wearing jewelry is appropriate as long as it does not interfere with patient care (such as dangling or sharp objects).
- No headwear (hats, scarfs, etc.) is permitted except for headwear that is of a religious origin.

Other Personal Habits:

Refrain from chewing gum when dealing directly with patients. Eating or drinking is prohibited in patient care/public areas.

Identification Tags:

Your identification name badge must be worn in patient care areas at all times.

The requirements listed above are not all-encompassing. Circumstances may arise which are not covered by this policy. Any decision on the interpretation of this policy is at the discretion of your supervisor, your clinical instructor, the service chief, the chief of staff or the vice president for clinical affairs.

Failure to comply with these standards may result in a failing grade. Inappropriately attired individuals are also subject to dismissal from clinic and charged with an unexcused absence.

Information Technology Acceptable Use Policy

Introduction

Computer, networking and electronic mail facilities and services are offered by the Office of Information Technology (IT) in support of the teaching and learning, research and public service functions of the College. Access to the computer systems and networks owned and operated by the SUNY College of Optometry is a privilege, not a right, and imposes certain responsibilities for appropriate use, in accordance with College policy. Users should recognize that the primary intention of providing network service is to support the mission of the College and the conduct of its daily business.

For information and policies related to Information Technology and its use at the College please visit: http://www.sunyopt.edu/offices/information_technology_services/policies



Academic Information and Policies

This handbook contains regulations of importance to your enrollment and status at the College. You will be responsible for familiarizing yourself with the information contained herein. It is the objective of the SUNY College of Optometry to provide a sound educational experience with emphasis on the needs of the students as individuals while they pursue a rigorous course of study. The following policies are determined by faculty committees and are subject to change.

Course Description

Abbreviated course descriptions are presented on the College's website. At the commencement of each course, students will be provided with a full course outline or syllabus indicating the course objectives and goals, a list of required and recommended readings, a grading policy, the method(s) of student evaluation, assessment, and examination, a list of course topics to be covered and a statement of classroom attendance requirements. In addition, all students are required by the college to complete course and instructor evaluations as part of the course requirements.

Policy for Student Leave Requests from Courses and Clinic

Students wishing to obtain leave from scheduled classes and clinics for personal, religious and/or **EXTRACURRICULAR ACTIVITIES (See below)**, must request an excused absence for the activities they will be missing. Students must make the request in **writing at least 4 weeks in advance** to the Instructor of Record (IOR) and/or respective Service Chief(s) (for internal clinics), or primary clinic supervisor (for external clinics).

Students with excused absences are responsible for any missed material or assignments and may be required to switch sections to make up a missed lab or clinic.

Any excused absence will be granted at the discretion of the IOR, Service Chief, or external site supervisor, and may be denied if it coincides with a written test, quiz, or practical assessment, or if the student's course performance is unsatisfactory. Any change in class or testing schedule to accommodate an excused absence is at the discretion of the Instructor of Record. If a large percentage of the class seeks permission to attend an activity at the same time, the instructor may elect to reschedule or hold class at his or her discretion.

Students are responsible for making up any examinations or assessments that may be missed during their absence.

Notes for student leave requests:

- While it is recognized that there are many legitimate reasons for requesting leave, including several excellent extracurricular professional opportunities, students must also recognize that meeting requirements for completion of the professional degree program is their highest priority.
- Some considerations for granting leave will be the reason for leave, the number of leave requests the student has requested, and the student's academic standing in the program. Accordingly, students should consider their priorities and anticipate their reasons for requesting leave well in advance, e.g. not requesting leave if a student will be participating in residency interviews at a later date.
- With regard to mission trips, the college supports volunteerism and encourages community engagement. While it will make every effort to accommodate a request for mission trips, the college's priority is the student's successful completion of the professional degree program.
- Service chiefs may require the intern to obtain coverage in the clinic to lessen the impact on patient care in the UEC.

- Switches for clinic leave are limited to two per quarter/semester (one initiated by the intern and one at the request of another intern).
 - Students are encouraged to consider and plan all activities involving leave at the beginning of each academic year. The department chairs are available for guidance, and to answer any questions.
 - The number of students requesting leave for a particular activity may also be a factor. If a large number of students are requesting the same days out (for example to attend a professional meeting), then the number of leave requests that are approved may be capped. N.B. Extracurricular activities= Any activities such as but not limited to mission trips, scientific conferences, organized optometric advocacy trips, optometry meetings, residency interviews, and other professional activities.
- *** Students may appeal a decision relating to this policy in writing to the Dean for Academic Affairs.**

Examinations

The SUNY College of Optometry examination policy is designed to minimize conflicts between examinations and other assessments of students during a given semester. For this policy, an examination is defined as a written assessment that requires a full class session for completion. A quiz is considered to be a single short written or oral assessment used to contribute not more than 10% to a final grade and that does not require a full class session for completion. A lab practical/assessment is essentially a non-written assessment of laboratory concepts that takes place during the laboratory portion of the course using materials or procedures taught in the laboratory. Written assessments of laboratory concepts, whether they are in the laboratory or classroom, are considered to be examinations or quizzes, depending on scope, and will be administered according to the following policy statements:

- All procedures for student assessment and the determination of the final grade for each course must be clearly defined in the course syllabus.
- All course syllabi must be posted on Moodle prior to the beginning of the semester and communicated to the students on the first day of class.
- The dates and times of all examinations and lab practicals, and whether there is a midterm or final examination, must be clearly stated in the syllabus. Defined dates for quizzes are recommended but not required.
- All examination and lab practical dates are fixed and registered in a master calendar at the beginning of the semester and may not be changed without a written request from the IOR/course coordinator and approval from the Office of Academic Affairs.
- The dates and times of all midterms and finals are determined by the registrar and, once finalized, are not subject to change. midterms and finals weeks are posted on the Academic Calendar, which is available prior to each Academic Year.
- With the exception of lab practicals, no examinations or quizzes are permitted the weeks before or after midterms week, or the week before finals week. If a course has a midterm and/or final, it must be scheduled during midterm or final weeks.
- In order to ensure that the overall schedule of assessments during any given semester is as reasonably balanced as possible, the Office of Academic Affairs will examine the schedule of assessments at the beginning of the semester and may initiate discussions with instructors regarding the timing of assessments. It is understood, however, that there may be days when scheduling more than one assessment, or scheduling assessments on back-to-back days, is unavoidable.
- For security, all examination grades must only be posted electronically via Moodle. (Final course grades will be posted through the student portal on my.sunyopt.edu.)

Statement on Student Use of Educational Materials

All educational materials at SUNY College of Optometry, including those associated with instructional activity such as lecture capture recordings, electronic course material, course handouts, and any other

course-related materials, are the property of the course instructor or the College, as described in the University policy¹, and subject to copyright protection under federal law.

SUNY College of Optometry students are granted permission to use these materials for their personal educational use only and may not make any of the material available to others without the express permission of the instructor or the College, as appropriate¹. Copyright infringement is against the law. Violations of this policy will be considered unethical and unprofessional behavior. Such violations are grounds for disciplinary action, program dismissal, and possible legal action.

1 <http://system.suny.edu/academic-affairs/faculty/faculty-ownership/>

Academic Progress and Degree Requirements

Doctor of Optometry (OD) Program: Students must achieve passing grades in all courses before advancing to the next academic year. If other than a passing grade is received (an "F," "U" or "I" see below for information about the grading system), it must be remediated as outlined under "Student Grievances and Appeals of Final Grade" later in this handbook, or by the Committee on Course and Standing and the dean for academic affairs. These decisions may be modified on an individual basis by appeal upon recommendation of the chairperson and with the final approval of the dean for academic affairs.

MS in Vision Science: For graduation, a student must complete 40 hours of course credits at a 3.0 level or above, with a minimum of 30 hours at a G200 or above level. The student must complete a minimum of nine credits of research. The student must also complete a paper in publication form, based on the student's research and approved by the Master of Science Thesis Committee.

PhD in Vision Science: The student must successfully complete a specialty area examination, 80 hours of course credits and submit and successfully defend a dissertation based on original research. The dissertation must be completed and defended within five years of admission to candidacy.

Grading System

In each course, including laboratories and clinical internships, there will be established criteria for the assignment of grades. Faculty will provide timely, informative feedback from assignments, exams and other assessments as soon as possible and before the final, summative grade is issued. In addition, the IOR in collaboration with the Committee on Course & Standing and the Office of Academic Affairs, will identify and communicate with students considered by course IORs to be at risk after the midterm period. Student course performance shall be reported on transcripts as:

A Superior or Excellent

B Very Good (above average)

C Average (minimally competent)

D Below Average (marginally competent)

F Failure

X Credit by exemption (not used in calculating GPA)

NC No Credit (not used in calculating GPA)

W Withdrew voluntarily (no credit, not used in calculating GPA)

U Unsatisfactory/Failure (no credit, not used in calculating GPA)

P Pass (credit, not used in calculating GPA)

H Pass with honors (credit, not used in calculating GPA)

J In Progress (temporary grade assigned when a course extends across terms and is replaced by a permanent grade at completion of the entire course)

I Incomplete (student failed to complete the requirements of the course in the required time)

Transfer of Credit

Because different schools may have different curricula, it can be difficult to transfer into the SUNY doctor of optometry program from another optometry program. A student who transfers into the SUNY OD program from another OD program will most likely receive her degree at a later time than if she had remained at her original institution.

To be considered for transfer into the SUNY OD program, the applicant must submit a letter from the dean of her original program stating that she is in good academic standing and is not subject to any adverse academic or disciplinary action. After an applicant is accepted into the OD program, the dean and/or department chairs will review syllabi of the courses for which transfer credit is requested to determine equivalency to courses in the SUNY program.

For all College academic programs, the number of credit hours, course content and student performance are among the factors that may be considered in the decision to award or deny transfer credit. Courses offered by any mode of delivery may be considered for transfer of credit.

Assignment of Credit Hours

The College is on a semester system with a semester defined as approximately sixteen instructional weeks with one week for midterms and finals each. One credit hour is assigned for the following activities over the course of a semester:

- 50 minutes of lecture and two hours of out-of-class work per week

- 2 hour of laboratory and one hour of out-of-class work per week

- 3 hours of clinical activity per week

Course Remediation

Students may not proceed in the program with grades of "F," "U," and "I" in required courses. These grades must be remediated within four weeks following the end of the academic term unless a student is placed into a special academic program determined by the Committee on Course & Standing working with the dean for academic affairs.

For grades of "F," "U," or "I," it is the student's responsibility to contact the instructor to arrange for equivalent course work, including the scheduling of an appropriate examination for credit and a final grade for the course. If there are difficulties because the IOR is unavailable, the student must contact the appropriate department chair. If the student is unable to comply with this requirement in a clinical sequence because of problems with clinic scheduling, he/she may petition the instructor for an extension with the concurrence of the appropriate department chair and dean for academic affairs.

The new grade will appear on the student's transcript with indication of the original grade. All grades for any repeated portion of the professional curriculum will remain on the transcript. Both grades will be used to calculate the grade point average (GPA) except in the circumstances that the student repeats a portion of the professional curriculum, resulting in his/her anticipated date of graduation being delayed by a year. In this case, the grade(s) in the repeated course(s) and not the original grade(s) will be used to calculate the grade point average. Under such circumstances, the student will be ineligible for college scholarships that are based on GPA. Any grade received during and after the repeated portion of the professional curriculum will remain on the transcript and will be calculated in the GPA and all policies regarding academic eligibility and course and standing will apply.

For students on academic probation with special programs, the dean for academic affairs, in conjunction with the Course & Standing Committee, may mandate specific criteria (such as a specified GPA or minimum course grades) for the student to advance following the repeated portion of the academic program.

Student Grievances and Appeals of Final Grade

Students who have an academic grievance for any reason should proceed as follows:

- Students should first attempt to resolve disputes concerning grading, course work, clinic or other academic policies at the level at which the dispute occurred (IOR, clinic supervisor, service chief, etc.)
- For disputes involving clinic, the student is encouraged to seek the assistance of the appropriate faculty (IOR for Third Year Clinic, IOR for Fourth Year Clinic, externship directors.)
- If a satisfactory result or a final decision cannot be reached, the student may bring the issue to the attention of the appropriate department chair (Biological and Vision Sciences, or Clinical Education.)
- The student has the right to appeal a decision of the department chair by applying, in writing, to the dean for academic affairs who will review the case and make a final decision.

A student may appeal a grade if he/she believes it is in error. The initial appeal must be made to the IOR within one week of receiving that grade. This period may be extended by appeal to the dean for academic affairs in extraordinary circumstances.

No grade appeal, under any circumstance, will be accepted from a third party, including a student's parents. This policy conforms to the privacy requirements outlined in the Family Educational Rights and Privacy Act of 1974 (FERPA). See the section on "Records Policy" below for more information about FERPA.

In the event that the IOR is unavailable to change a grade, or if a student wishes to appeal a decision by the IOR not to change the final grade, the student must contact the appropriate department chair in writing who will review the case and make a decision. The student may appeal a grade decision of the department chair by applying in writing to the dean for academic affairs who will review the case and make a final decision.

All official communications about grade appeals will be sent to students by electronic mail (with delivery confirmation) so that a record of delivery exists, and appropriate faculty members will be similarly notified.

Dean's List

The Dean's List recognizes those students whose term GPA is 3.25 or higher. Students on academic probation will not be eligible. Eligible students will be notified, in writing, by the Office of Academic Affairs after each term in which they qualify.

Grade Posting

Student grades are posted in accordance with the policy on examinations described above and in a manner that will maintain confidentiality. There shall be no unauthorized disclosure of grades.

Academic Probation: Professional Program

The dean for academic affairs, in consultation with the Committee on Course & Standing, may place a student on academic probation if the student's current level of achievement is deemed seriously deficient.* Academic probation is mandatory; however, when:

- The term GPA falls below 2.00; or,

- The cumulative GPA falls below 2.00; or,
- A grade of "F" is earned for any clinic (third- or fourth-year clinics), whether on or off campus; or,
- Two grades of "F" are earned in an academic term; or,
- Three grades of "D" or below are earned in an academic term.

(*If a student fails any course that has a clinical laboratory component, consideration of academic probation is mandatory.)

Placement on probation will appear on the academic transcript.

Ineligibility to Advance: Professional Program

The dean for academic affairs, in consultation with the Committee on Course & Standing, may determine that a student is ineligible to advance in the Professional OD Program** when he/she is deemed incapable of fulfilling institutional or academic requirements in a timely manner. Ineligibility to advance in the professional program, however, is automatic when:

- Two grades of "F" are earned in the same course, regardless of whether the course was remediated or retaken; or
- Two consecutive grades of "F" are earned in clinic (third- and fourth-year clinics), whether on or off campus; or
- The term or cumulative GPA is less than 2.00 after having been on probation for three consecutive quarters/two semesters; or
- The term GPA is 1.00 or less

(** A student who is ineligible to advance in the Professional Program is subject to academic dismissal or may be required to satisfactorily repeat portions of the curriculum.)

Academic Dismissal

Dismissal is reserved for those situations where the student is deemed incapable of fulfilling institutional or academic requirements in a timely manner. When the Committee on Course & Standing is considering a student for academic dismissal, the student shall be notified in writing by the Office for Academic Affairs that such a recommendation is to be considered. The student shall, at his/her option, have the opportunity to (a) voluntarily withdraw from the program, (b) submit a written statement of mitigating circumstances to the Committee for its consideration, or (c) appear personally to explain any mitigating circumstance before the Committee on Course & Standing makes its recommendation to the dean for academic affairs. The student will have the opportunity to meet with the dean for academic affairs to review his/her case.

Appeal of Academic Dismissal

A student who wishes to appeal the decision of academic dismissal may do so to the president of the College within one week following his or her verbal or written notification of dismissal by the dean for academic affairs, whichever is earlier. The president will consider a written appeal by the student.

Readmitted Student

For a student who is separated from the College because of academic problems or voluntarily leaves and then is readmitted, the following will apply:

- The student's transcript will contain his or her complete academic record at the College. A notation will appear indicating the date and the reason for separation, (e.g. leave of absence, withdrawal, dismissal, etc.), as well as the notation and date of readmittance;
- Grades for all years attended, including unsuccessful year(s), will remain on the transcript. All grades will be utilized in calculating the cumulative GPA;
- If a student is readmitted, the Committee on Admissions or the Committee on Course & Standing may recommend the conditions under which the student is readmitted, (e.g., all courses repeated, exemptions

- granted for course(s) previously passed, etc.).

Students Repeating A Year Of Study

For students that are required to repeat a full year(s) of study, the following will apply:

- A notation will be made on the transcript indicating the year(s) being repeated.
- All courses that are being repeated will be indicated with a "Y" after the grade received.
- Grades for all years attended will remain on the transcript. All grades, with the exception of the initial grade in repeated courses, will be utilized in calculating the cumulative GPA.

Disciplinary Action

Students are subject to disciplinary action, including dismissal from the College, for actions deemed inappropriate according to the Student Code of Ethics and the Judicial Policy and Procedure For Dealing With Unethical and/or Unprofessional Student Conduct, as adopted by the College Council and distributed to all students herein.

Leave of Absence

Upon petition in writing to the dean for academic affairs, a student in good standing may be granted up to a one-year leave of absence for extenuating circumstances.

For students in the Professional Program:

- If the requested leave is during the first three years of study, the student will normally be required to take leave for an entire year unless an alternative plan is approved by the dean.
- Leave during the fourth year may be granted for one or more quarters. The student will be required to make up the quarter(s) during the next academic year. Make-ups will be overseen by the Department of Clinical Education, and specifically by the fourth year IOR or director of externships depending upon whether external rotations were missed.

The dean will give final approval for the leave and will contact the registrar once the plan has been finalized. The student is required to get a Leave of Absence form from the Office of Student Affairs and get all necessary signatures from the Office of the Registrar, Office of Financial Aid, and Office of the Bursar.

For graduate students:

Petitions for leave of absence from graduate students must include a detailed plan approved by the associate dean for graduate studies and research.

Withdrawal Process

A student withdrawing from any of the College's programs for any reason must complete a Student Exit Form in order to receive up-to-date records, avoid fees and charges, and to be eligible for possible refunds. The Student Exit Form is obtained from the Registrar's Office. The student must obtain signatures for clearance from the following departments: Business Office, Financial Aid, Information Technology, Public Safety and the Library. The student will also need to vacate their locker and return their SUNY ID and any other materials deemed property of SUNY College of Optometry. After the student completes the exit process, Student Affairs will be the last department to sign the form.

Note: Student Affairs will not sign until all signatures for clearance are obtained. The Registrar is the recipient of the completed form and will enter the information on the student's permanent record.

Refunds

For the policy on refunds for tuition & fees, please refer to the Bursar's SUNY Refund of Tuition and Fees Policy website (<http://www.sunyopt.edu/offices/business-affairs/bursar/>).

Exemption from Course Requirements

The requirements for exemption are at the discretion of the IOR. The basis of the determination is typically either (a) evidence of prior satisfactory completion of equivalent coursework or (b) the passing of a prerequisite examination. Upon the granting of an exemption, the instructor should forward a written statement to the registrar indicating the basis of the exemption. Such students will receive the letter "X" on their transcript in place of a grade for the course.

Auditing Courses

Permission to audit a course may be granted by the instructor for a period not to exceed one academic term. The decision on whether or not to admit a potential auditor to a course is solely at the discretion of the instructor of the particular course. Auditors pay no tuition or fees and no record of their attendance is maintained by the College. If a person auditing a course is not a member of the College faculty, staff or student body, they must conform to all College policies and procedures concerning guests and visitors.

Transfer Credit

In certain circumstances, the SUNY College of Optometry will accept transfer credits in accordance with the registrar, the vice president and dean for academic affairs and the Office of Admissions. Transfer credits will be accepted for joint degree programs, the OD/MBA Certificate program, CSTEP and Advanced Standing.

Student Coursework

If the student is required to take coursework totaling more than 12 credits, during the first or second half of a semester, the student is responsible for the full semester tuition. If a student attends less than 12 credit hours they will be charged the per-credit-hour fee.

Degrees

The SUNY College of Optometry confers the Doctor of Optometry (OD), Doctor of Philosophy in Vision Science (PhD) and the Masters of Science in Vision Science (MS) degrees. The conferral of degrees will be to students who satisfactorily complete all academic requirements, are not on probation and do not have outstanding financial obligations.

National Board Examinaton for the Doctor of Optometry

The National Board examination shall not be considered a substitute for the standards and criteria set by the College for promotion within or graduation from the Doctor of Optometry program at the College. The faculty of the College reserves the right--indeed has the responsibility--to set standards for promotion and graduation which are independent of external testing agencies such as the National Board of Examiners in Optometry. However, the National Board examinations are required by most state boards in lieu of the written state examinations for optometric licensure. All students who register for and take the examinations offered by the National Board of Examiners in Optometry (NBEO) will be required to request, on their NBEO application form, that scores be sent to the SUNY College of Optometry. All scores will be kept confidential and will only be used for conducting institutionally approved educational research. Such studies will only report statistical information and will not, in any way, identify individuals. Requests for exceptions to this policy should be directed to the vice president and dean for academic affairs. For more information about the

NBEO, please visit: www.optometry.org

National Board Examination Part III Travel Policy

For the National Board Examination Part III (Clinical Skills Exam), students will travel to an off-site location to complete the clinical portion of the exam. Students will be allowed two days of excused absence from their assigned clinic. If a third day is necessary, then the time would have to be made up with no penalty. All students are responsible for informing and communicating travel arrangements with their clinic supervisor to ensure clinic operations are not impacted.

State Licensure for the Doctor of Optometry

Each state has regulations and requirements that govern the licensure of optometry. Satisfactory completion of the OD program will be required to qualify for state licensing examinations in any of the 50 states. Further information on state board examinations and licensure can be obtained from the individual state boards, the NBEO website or from the Office of Student Affairs.

Commencement

Commencement exercises will be held annually at the conclusion of the spring term.

Registration and Maintenance of Matriculation

Every student must file a Student Registration Form prior to the beginning of the Fall Term each year. Registration may be denied if the prior terms' Bursar invoices have not been paid. Since the OD program is a full time, lock-step curriculum, all students are automatically registered for courses offered in their particular year of study. There is no opportunity to add/drop courses in the OD program. However, students can add/drop courses when registering for electives.

To maintain active status in the graduate program, full time students normally must be registered for at least 12 credits each term. OD/MS or OD/PhD program students normally must be registered for at least one graduate course (including research credit) each term. Students may register for graduate credit during the summer session, however this is not necessary to maintain active status. Failure to maintain active status, without a formal leave of absence, for more than one term consecutively shall result in dismissal from the graduate program.

In addition to the Student Registration Form, a Graduate Student Course Registration Form must be approved, in writing, by the student's advisor and filed with the associate dean for graduate studies and research, the registrar and the Business Office before the beginning of the summer term for the academic year.

Graduate courses may be added during the first two weeks of the term; courses may be dropped during the first four weeks of the term. An add/drop form must be completed, signed by your advisor and filed with the associate dean for graduate studies and research, and the registrar.

Course and Faculty Evaluation

Students are given the opportunity and expected to provide formal and informal input about the curriculum, courses, clinic and faculty. Students are required by the College to complete formal course and instructor evaluations as an official requirement for course completion. Grades may be withheld by the administration if evaluations are not completed.

Formal course and instructor evaluations are distributed electronically to students at the conclusion of each

term. Results of these evaluations are analyzed through the Office of Academic Affairs and summaries are distributed anonymously to the instructional faculty and department chairs.

In addition to formal course and instructor evaluations, students may be asked to participate in surveys on various topics in order to provide important feedback for analysis and planning. Participation on these surveys is optional. The vice president and dean for academic affairs meets informally with each class periodically, and the dean and department chairs also meet each term with the class officers to discuss academic issues and provide students with an informal forum to discuss issues and concerns.

Policy on Externships Abroad and Mission Trips

SUNY Optometry, as part of its emphasis on innovative clinical education, offers externships abroad through affiliations with select academic institutions that allow students to complete one quarter of their required 4th year externship rotations. Students are also encouraged to partake in international missions trips whenever possible.

Eligibility for Externships Abroad:

- Students must be in good academic and judicial standing (not be on academic probation or be under review for student conduct issues).
- Students must complete an Externship Application and fulfill all requirements as stipulated by the Clinical Externship Manual.
- An externship position must be available and confirmed by the partner institution
- Students must agree to abide to all policies of both SUNY Optometry and the host institutions while on an externship abroad.
- Students must sign a waiver acknowledging that they voluntarily assume full responsibility for any risk of loss, property damage, or personal injury, including death, which may result from participation in activities while abroad.

Selection Process

Students request international externships voluntarily after a careful analysis of goals and discussion with the faculty advisors and the Director of Externships. Consideration for international externships involves an interview with the Director of Externships to establish eligibility and the completion of the appropriate application documentation. Students must show that they understand what the selected externship abroad entails and what they hope to achieve through the experience. (Externship abroad is a clinical program designed to complement and enhance students' SUNY Optometry clinical experience, and not a travel opportunity to reside abroad for a period of time.)

The Director of Externships must approve a request for an international externship after verify the student's clinical skills are sufficient and that the externship is appropriate to fulfill the students clinical core competency requirements for the clinical training. In addition, the Director of Externships will make every effort to assure that the student can succeed in the specific clinical environment being considered. Factors that are considered include cultural and language barriers, degree of independence, maturity, etc.

Eligibility for Participation on Missions Trips Abroad:

- The College does not endorse any given organization involved in missions abroad and students are personally responsible for abiding to the bylaws and requirements of each organization.
- Students must obtain written authorization from faculty and clinical supervisors to be excused from their

respective didactic and clinical assignments. Please refer to the policy on Student Leave and Courses in Clinic, available in this Handbook, for more information.

- Students assume full responsibility for any risk of loss, property damage or personal injury, including death, that may result from participation in event activities.

Candidates should carefully consider all of the items below before deciding to apply to externships and missions trips abroad:

- If the student is going to a foreign country where English or his/her native tongue is not widely used, student must ensure that s/he have sufficient language skills and confidence to conquer linguistic hurdles.
- Student must consider personal levels of maturity and flexibility to adapt to living and learning in a non-English speaking environment with different customs (i.e., cultural and religious) and expectations.
- Student must determine if s/he has any foreign travel experience which would prepare him/her for such challenges.
- Externships abroad and International Mission trips require financial resources (airline ticket, student visa, passport, insurance, local housing expenses, health insurance, textbooks, daily living expenses, etc.). It is the student's responsibility to determine if sufficient financial resources are available to enable him/her to live abroad for the specified time.
- Students are fully responsible to verify all travel related documents for accuracy, validity, and completeness (i.e., passport, visas, required immunizations, credit card expiration, etc.). Non-us citizens must verify the visa requirements with the consulate of the country to which they will visit.
- SUNY encourages U.S. citizens traveling abroad to use the State Department's Smart Traveler Enrollment Program (STEP) at step.state.gov/step/.
- Safety and security must be students' number one priority. For current information, advisories, or warnings regarding travel abroad, students should consult travel.state.gov/travel/
Students are encouraged to develop an emergency plan with specific action steps for different types of emergency (i.e., health issues, safety and security issues, etc.)
Students are encouraged to inform parents/guardians/family members about their plans to travel abroad and provide them with emergency contact information.
- Students are encouraged to obtain and maintain health insurance coverage for the duration abroad and research the policy to better understand any limits in coverage, as well as the process for securing reimbursements and any other requirements imposed by the insurance provider.

Records Policy

Educational Rights & Privacy Act

All policies with regard to student records shall conform with the Family Educational Rights and Privacy Act (FERPA) 1974. Specific policies described below are intended to supplement the rights and assure the safeguards provided by FERPA and to clarify student records policy at the SUNY College of Optometry.

Public Records

- A. The following information related to a student is considered "directory information" and the College reserves the right to disclose it to anyone inquiring without the student's consent unless the student, within 10 days of the beginning of each academic year, informs the Office of Student Affairs, in writing, that this information is not to be made public. Directory information is name, permanent address and telephone, local address and telephone.
- B. Disclosure of Information
 1. The student directory information is made available to students, faculty and administrative staff of the College for their own use only. It may not be duplicated or disseminated in any way by the recipient.
 2. The Student Directory, in full or in part, is not disseminated to outside agencies, business concerns, or private individuals without the consent of the vice president for student affairs.
 3. No office maintaining an educational record of a student will disclose any personally identifiable information from that record to anyone other than the student him/herself without the written consent of the student, except as provided below.
 4. The records of the student will be disclosed without his/her written consent to academic and administrative officers within the College who have a legitimate educational interest in the information. "Legitimate educational interest" means the demonstrated need to know by those persons who act in the student's educational interest. This includes the following persons and their professional and clerical staff acting under their instructions:
 - a. Vice president and dean for academic affairs or associate dean for graduate studies and research for the program involved,
 - b. Staff of the Office of Student Affairs,
 - c. President,
 - d. Committees on Course & Standing,
 - e. Faculty of each class only for students under academic difficulties,
 - f. SUNY Administration in Albany for The SUNY Institutional Research Information System (SIRIS).
 - g. Someone from an outside party with a legitimate right to know as defined by the FERPA.
 5. The records of a student will be disclosed without his/her written consent to those federal and state government agencies and officials only as provided by law.
 6. The records of a student will be disclosed without his/her written consent to an agency to which the student has applied or from which he/she has received financial aid or which has made decisions concerning eligibility, amount, conditions or enforcement of terms of such aid.
 7. The records of a student will be disclosed without his/her written consent to certain educational agencies and institutions only as permitted by law.
 8. The College reserves the right to furnish to parents or guardians of financially dependent students any information relating to such students' academic status.
 9. The records of a student will be disclosed without his/her written consent to comply with a judicial order or subpoena.
 10. The records of a student will be disclosed without his/her written consent in a health or safety emergency.

Confidential Records

A. Submission of Grades:

1. Instructors submit grades to the Registrar electronically via the mysunyopt.edu portal.
2. Supplemental grades such as completions for "I" grades or repeat courses for "F" grades must be submitted on an official Grade Change Form. Grade changes must be signed by the instructor, department chair and the vice president and dean for academic affairs before submission to the Office of the Registrar.

B. Confidentiality of Grades

1. Grades of individual students, in any identifiable format, may not be published or posted. This prohibition includes the listing of grades by social security number. This does not preclude the posting of the grade distribution for a course by the instructor as long as grades are not identified by student
2. All persons with access to grades must not divulge individual student grades to anyone either verbally or in written form.

C. Availability for use by faculty and Committees on Course & Standing.

1. At the request of the vice president and dean for academic affairs or associate dean for graduate studies and research, transcripts, grade reports and written instructor comments may be made available at the end of the semester faculty meetings and at meetings of the Course & Standing Committee.
2. Transcripts of grades at prior institutions attended, copies of standardized test scores and letters of recommendation may be requested by the Course & Standing Committee by majority vote of the committee members present. No other documents may be requested.
3. The registrar shall be responsible for the distribution and collection of all documents, and copies thereof, which are utilized at faculty Course & Standing meetings. All such documents and copies must be returned to the registrar.
4. The chairperson at each meeting where student records are discussed must inform all present about the maintenance of confidentiality of all student records and of the proceedings of that meeting.

D. Availability for faculty, professional staff and outside use.

1. Student grades may only be made available to individuals and/or agencies conducting bona fide educational research.
2. Proposals for educational research involving the use of student grades or test scores must include:
 - a. a statement of the objective of the study,
 - b. the qualifications of the individual or group conducting the study,
 - c. a description of the methodology to be employed,
 - d. a signed statement assuring confidentiality of all data,
 - e. assurance that data will only be reported as group data or if published as individual data, there will be no possible way of identifying the individual,
 - f. all student data supplied must be returned at the conclusion of the project.

Availability of Records to Students

A. Inspection and Review of Records

1. Any student may inspect and review his/her education records upon written request to the registrar. The registrar will comply as soon as possible; under the law this must be done within 45 days after the request.
2. The student has the right to review and inspect all the documents in his/her folder except:
 - a. confidential evaluations and letters of recommendation filed before January 1, 1975;
 - b. evaluations and recommendations after that date if the student has waived his/her right to see them;
 - c. financial records and statements of his/her parents;
 - d. those documents classified by the law as non-educational.
3. If, after inspecting and reviewing his/her records, the student has any questions about them, he/she

may request an oral or written explanation and interpretation of them.

4. The student may also secure a copy of every document in his/her folder open to him/her. These will be made by the College under the same terms, conditions and charges as for a copy of a transcript, i.e. \$5 for each document. If an original or source document exists elsewhere (e.g. records of other schools), copies will not be sent to a third party.

B. Transcripts:

1. Students can view their term reports at the end of each term and whenever a grade change is made via the my.sunyopt.edu student portal.
2. Students with no outstanding financial obligation are entitled, upon request, to one free official transcript after graduation.
3. Students must pay the current transcript fee for each transcript ordered.
4. All requests for official transcripts must be made in writing on a Transcript Request Form, available in the Office of Student Affairs or the student portal. Transcripts will not be sent until the fee is paid.
5. Official transcripts will be mailed from the registrar. Under special circumstances, an official transcript will be given to the student in a sealed envelope stamped by the Office of the Registrar.

C. Elements of one transcript

1. The registrar maintains records of overall class standing and grade point averages and all calculations related to the student's academic standing.
2. Cumulative and term GPA, quality points, occasions on probation and other information relative to the student's academic standing are reported on the college transcript.

The Retention of Records

- A. The SUNY College of Optometry adheres to the State University of New York system and the American Association of Collegiate Registrars and Admissions Officers standards for the retention of records. Detail on the length of time each document is maintained is available from the Office of the Registrar.



Academic Support Services

Pre-Personal Counseling

Pre-personal counseling is available for students through the Office of Student Affairs and International Programs. Pre-personal counseling may be sought from the vice president for student affairs, the registrar or the director of career development and minority enrichment. Students may be referred to an appropriate external healthcare provider.

Career Counseling

The Career Development Center (CDC), established in 2012, was created to meet the career needs of SUNY Optometry students, residents and alumni. Through its signature programs and events like the Family of Mentors Program and the Annual SUNY Optometry Career Symposium, the CDC creates opportunities for busy students and professionals to connect and create meaningful relationships important to career development and career advancement. Many individualized services are also available for the College community including career counseling, help improving interviewing and resume writing skills as well as others services. Students seeking career advice, planning, guidance and/or resources may contact the director of career development and minority enrichment:

Quy Nguyen, OD
Director of Career Development and Minority Enrichment
Room 1125
212-938-5505
qnguyen@sunyopt.edu

Minority Enrichment

Minority students seeking advice, guidance and/or resources may contact the director of career development and minority enrichment:

Quy Nguyen, OD
Director of Career Development and Minority Enrichment
Room 1125
212-938-5505
qnguyen@sunyopt.edu

Tutoring

Students who need assistance in one or more courses should seek out the instructor(s) as a first step. Peer tutoring can also be a valuable resource and is available at no cost to the student. In all cases, it is essential to request assistance as early as a need is identified. Students in need of tutoring services may contact the director of tutoring:

Vito Cavallaro,
Assistant VP for Student
Affairs
Room 1125
212-938-5507
vcavallaro@sunyopt.edu

Academic Faculty and Administration

Students having difficulty with course material are strongly encouraged to discuss such issues with their instructor(s). Faculty may provide tutorial assistance or make recommendations and referrals to services that can assist you. The academic department chairs and the vice president and dean for academic affairs or associate dean for graduate studies and research are also available to discuss academic support issues.

Harold Kohn Vision Science Library

The Harold Kohn Vision Science Library is one of the largest vision science libraries in the country. It seeks to meet the information needs of the College community through the selection, acquisition, organization and delivery of materials and services, as well as provision of the technology, instruction and support necessary to ensure access to information. The Kohn Library contains approximately 40,000 volumes and maintains a comprehensive website with links to electronic journals and databases, as well as a wide range of online reference, vision science and general health resources.

(212) 938-5690

Fax (212) 938-5696

Website: <http://www.sunyopt.edu/library>

Hours: Monday - Friday 8:00am - 9:30pm

Saturday - 10:00am 5:00pm

Sunday (academic year only) 10:00am 6:00pm

The library is closed on regular College holidays. Since weekend hours are staffed solely by work-study students, we recommend that you call prior to arriving at the library to ensure that regular hours are in operation.

Summer hours are 8:00am - 8:00pm Monday - Friday,

10:00am - 5:00pm Saturdays, and closed on Sundays

Food, drink, smoking and cell phone use are prohibited in the library.

Circulation

Books: The student loan period is four weeks; faculty, residents and staff may borrow circulating books for one quarter. All books may be renewed unless they have been requested by another user.

Reserve: Reserve materials circulate in the library for two-hour intervals. They also may be borrowed overnight after 4:00pm (or after 3:00pm on Fridays.) Overnight loans must be returned by noon of the following day or by noon of the following Monday in the case of Friday loans. A fine of \$2 per hour will be charged for late returns on reserve items, up to \$10 per day.

Journals: Journals do not circulate outside the library.

Audiovisuals: Audiotapes may be borrowed by all users for a period of one month. With the permission of library staff, slides and audiovisual materials may be borrowed for use within the College. Videos may circulate overnight at the discretion of the library staff.

Returns: Books from the main collection may be returned at the circulation desk or deposited in the book drop located just outside the library. Reserve books and audiovisual materials may NOT be deposited in the book drop but must be returned at the circulation desk.

Reference: Research assistance and personalized electronic information alerting services can be provided by speaking with the Library Director.

Interlibrary loan: Books and journal articles unavailable in the library may be obtained through interlibrary loan (ILL). Referrals also can be made to other local holding libraries if materials are needed immediately.

Please ask a staff member for assistance.

Electronic Databases: The library offers a wide variety of health, medical, education, business, and social science databases on its website. Librarians have access to a variety of other electronic databases that can be searched upon request.



Clinical Programs and Policies

University Eye Center and Satellite Clinics

The University Eye Center, the patient care facility of the SUNY College of Optometry and an Article 28 diagnostic and treatment center, has been a vital resource to the New York City region for decades, providing cutting-edge eye and vision care to an expanding patient base within our community and beyond. Your clinic responsibilities begin when you arrive at the College. It is the policy of SUNY Optometry that all patients must be treated with the utmost dignity and respect.

Listed below, are excerpts of several key policies. Students, faculty and staff are required to comply with all portions of the entire University Eye Center Policy and Procedure Manual, which is available in each service manager's and chief's offices and online.

A more detailed Student Clinic Manual is distributed during student's third-year orientation to the clinics.

Confidentiality

It is the policy of the University Eye Center and the SUNY College of Optometry, to maintain patient confidentiality. As such, the College is compliant with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPPA) Federal regulations which include training of staff, students and faculty providers. The new privacy rules adopted as part of HIPPA as well as the HITECH Act establishing standards for the release of medical information.

Procedure

- Results of clinical findings are given to patients by clinicians in the privacy of an examination room or consultation room.
- The content of a medical record should only be discussed with the patient by individual providing the service or the provider's supervisor.
- All conversations concerning information of a clinical nature or matter of patient privacy are conducted in an office, consultation or examination room.
- Requests for medical records to be sent to outside agencies, physicians, optometrist's offices or to the patient, are handled through the Medical Records Department only. An authorization signed by the patients is needed.
- Medical records are maintained securely in the University Eye Center's Medical Records Department and in the electronic medical record.
- Release of HIV-related information is in compliance with state regulation, effective February 1, 1989.
- All clinical and support staff who handle patient records are required to sign a "Statement of Confidentiality" form.

Examinations of Family Members

- Students may not schedule family members or friends for themselves when they are not assigned to a Service without permission.
- The student must obtain a prior commitment from the service chief and from a faculty member who must supervise and sign the medical record and the encounter form.
- The student must arrange for a room assignment through the chief or manager of the respective service.
- All patients (even family members) must be registered and given a medical record number in the University Eye Center scheduled with an appointment. This can be done via the front desk in the clinic. Each visit to the service must be documented in the patient's medical record.
- Encounter forms must be clearly marked, "No Charge - Family Member of _____" or "Discount - Family

Member of _____”.

A more convenient method for a student to examine a family member is to contact the appointment desk directly and arrange for an appointment with the student when the student is assigned to the appropriate service. Refer to “Employee Discounts” below to determine which fees, if any, are to be charged for the appointment.

Employee Discounts

The following discount policy has been established for both the employees and matriculated students of the SUNY College of Optometry. This discount policy also applies to the immediate families of the above named individuals. “Immediate families” is defined as spouses, domestic partners, dependent children (under the age of 26) and parents. All individuals covered under this discount policy are required to inform the University Eye Center of their optical and/or major medical (managed care) insurance. Individuals eligible for these services will be extended a 40 percent discount on all material fees (glasses and contact lenses.) However, if the individual has optical coverage, all material fees not covered by his/her plan will be the responsibility of the individual (e.g. the 40 percent discount will not be applicable.) Deposits will be required before materials are ordered and materials must be paid for in full prior to the materials being dispensed. These individuals will be given professional courtesy of all non-materials professional services that are not covered by the member’s insurance except for LDU evaluations, evening/Saturday visual therapy, and elective refractive surgery. Insurance carriers typically exclude providers from submitting bills for the examination of their own immediate family members. If providers wish to have their immediate family members examined in the UEC, they should either schedule them with another provider or if they choose to examine them themselves, the provider must apply a 100% discount with the reason “Immediate Family Member.” The policy of the UEC is to document every encounter that occurs and then apply the appropriate discount. Providers who wish to examine their own family members must schedule these appointments at times when they are not assigned to clinic.

Exceptions to this policy must be approved in advance by the vice president for clinical affairs.



Taking Care of Business at SUNY

College office hours

Faculty members are available for conferences with students during established hours and by special appointment each week. Conferences may be requested either by instructors or students. Be sure you know each faculty member's office hours at the beginning of each quarter.

The Office of Administration and Finance is open from 9:00 am – 5:00 pm. Students seeking to pay bills, conduct Faculty Student Association business, receive refunds or work study checks may see the Bursar during this time. It can be reached by calling 800-291-3937.

Tuition, Bursar & Financial Aid

Updated information about tuition and fees for the OD Program are available on our website: http://www.sunyopt.edu/education/admissions/od_program/tuition_and_fees

PLEASE NOTE:

FINANCIAL AID CANNOT BE DISBURSED UNTIL YOU HAVE ENROLLED IN AUGUST. INSTRUMENT EXPENSES WILL BE REQUIRED PRIOR TO THE FIRST DAY OF CLASS, THUS INITIAL FINANCIAL AID DISBURSEMENTS WILL NOT BE AVAILABLE FOR THOSE PURPOSES.

Standards of Satisfactory Academic Progress for the Determination of Eligibility for Student Financial Aid

The College reserves the right to determine if a student in the professional optometry program is making satisfactory academic progress. Such determinations are made by the vice president and dean for academic affairs in consultation with the faculty Committee on Course and Standing. All students in the professional optometry program who continue to be enrolled in the academic programs of the College meet this standard for being eligible for Student Financial Aid.

Payment Procedures

Payment in full on or before the first day of each term is required unless by this same date payment is officially deferred by the Office of Student Affairs. The foreign student health insurance fee may not be deferred. Graduate students - please contact the Bursar if you are unsure of your first day of class. It is the student's responsibility that mailed payments arrive in the Bursar's Office by the due date.

Students are encouraged to use the online method to remit payment via credit card, (Mastercard, VISA, American Express and Discover are accepted) - by visiting my.sunyopt.edu. Select "Finances" and then select "My Account Balances" to view the balance due and make a secure payment.

If paying by check, they should be made payable to SUNY Optometry and mailed to: SUNY College of Optometry
ATTN: Bursar's Office, Room 935
33 West 42nd Street
New York, NY 10036

Students may make payments in person by check, cash or credit card by visiting the Bursar's Office between 9:00 am and 5:00 pm.

Late Payment of Tuition

Unless there is a deferment, students whose accounts are not fully paid by the due date will be assessed

A \$30 late payment fee for balances up to \$999.99; a \$40 late payment fee for balances between \$1,000 and \$1,999.99; and a \$50 late payment fee for balances of \$2,000 or more. Furthermore, those who have not paid their tuition in full by the due date are subject to action according to SUNY Administrative Policy. This may include being denied subsequent registration and denied release of transcript and/or diploma.

Deferment of Tuition

Deferments must be approved by College administration. Deferments expire two weeks after the first day of class. A late payment fee will be assessed to accounts that are not fully paid after this date with an amount based on the late payment policy above.

Tuition for Students on an Approved Medical Leave

When a student is approved for a medical leave of absence either in the first or second module of a semester, he or she is charged full tuition for that semester. In the module of their last semester, he or she is not charged tuition (only fees) since the student is making up coursework that was paid for in a previous semester.

The student would pay the entire fall semester (summer rotation, May - August and fall rotation, August - November) tuition when he or she returns and then would not pay for their last rotation in summer (May - August) because he/she would be making up the summer rotation in the next academic year.

Tuition for Students Remediating Coursework

If the student is required to retake coursework totaling more than 12 credits, during either of the modules, the student is responsible for the full semester tuition. If a student attends less than 12 credit hours in a module they will be charged the per-credit hour fee.

Eligibility and Disbursement of Financial Aid

Eligibility for financial aid is determined through the Office of Financial Aid with the use of information from your FAFSA Form. Parents' income is required for all grant programs and certain loan programs. Forms and applications are available in the Office of Financial Aid.

Students are encouraged to sign up for direct deposit of their refunds. Once refunds are available, the Bursar's Office will notify you; and, if you have not opted for direct deposit, then you may pick up your check in the Bursar's Office. No funds are available in the Office of Financial Aid.

Any financial aid that has an asterisk on the statement is pending and may not include bank origination or other fees. Once pending funds arrive, the actual amounts are credited to student accounts. Students expecting other financial aid are required to have deferments approved by the director of financial aid and submitted to the bursar on or before the date indicated on the invoice.

Change of Address

Students are responsible for informing the Office of Student Affairs of any change in address.

Appendix A

Financial Aid Information and Policies

There are a number of federal, state and institutional programs to assist students in financing their education. These programs include grants, work opportunities, scholarships and loans.

Students who apply for and secure educational loans are encouraged to keep within manageable borrowing levels. Counseling is available to assist students in applying for student financial aid, financial planning, and calculating and considering manageable debt levels.

Financial Aid Packaging Policy

Federal government guidelines are used to "package" or formulate aid policy for students at SUNY. This procedure assumes that a student or the student's family is responsible for the financial obligations incurred while attending the SUNY College of Optometry. If funds beyond those available through family resources are needed to pay educational costs, the College will review the student's eligibility for an array of available financial aid programs.

The College determines eligibility for a Federal Stafford Loan. This need-based loan is federally subsidized and based on the student's and family's ability to pay as determined by a federally mandated formula of needs analysis.

The financial aid office evaluates a student for the Federal Perkins Loan (formerly NDSL), Health Professions Student Loan, College Work/Study, tuition waivers and scholarships, through the Free Application for Federal Student Aid. Financial need must be demonstrated and parental financial information is required to determine need for campus-based and institutional aid.

The student also may be considered for an Unsubsidized Federal Stafford Loan which is based only on educational expenses remaining after other financial aid is awarded.

Information on private loans through banks and alternative loan programs is also available in the financial aid office.

Many students will be required to complete verification in order to be evaluated for Title IV (Stafford, Perkins, College Work/Study) funds. This requires complete financial disclosure from the student.

Adherence to our schedule guarantees prompt processing of financial aid packages.

Application Process

Students applying for financial aid will be required to submit the following:

- 1) SUNY-Optometry Application for Financial Aid;
- 2) Free Application for Federal Student Aid (FAFSA);
- 3) Independent students: IRS Transcript's of federal tax forms; signed copy of parent's federal tax forms (may be required); certification of non-filing status, when applicable.
- 4) Proof of non-taxable income as indicated on the application may be required;

The Financial Aid Office reserves the right to request additional information and documentation as appropriate.

All Graduate and Professional students are considered independent. Parental information is required, however, to be considered for tuition waiver programs, HPSL loans and LDS loans.

The following criteria must be met in order to be considered for aid:

- Satisfactory academic progress must be maintained;
- Student must not be in default of previous student loans, payment loans or consolidation loans;
- Student must not owe a refund on Pell, SEOG, SSIG or Byrd Scholarship Programs;
- Male students must be registered for Selective Service.
- Any outstanding debts to the College must be satisfied before receiving additional aid.

REMEMBER: Loans from the government and private sources are debts that must be repaid. It is important that students keep accurate records which indicate what they have borrowed and the repayment terms. Students are advised to use these resources judiciously, borrowing only what they need. The government is enforcing strict repayment of student loans, and failure to meet one's obligations may result in federal prosecution and irreparable damage to one's personal credit record.

The application deadline for financial aid is **APRIL 15** for the following academic year.

Disbursement Of Student Financial Aid

The Business Office will notify the student when aid has arrived and been processed, and, if necessary, that a student endorsement is required. Refunds will usually be ready within approximately 5 business days after the aid is processed.

All Stafford Loans will be Disbursed electronically if your lender participates in the EFT process. **(Electronic Funds Transfer)**

Standards of Satisfactory Progress for the Determination of Eligibility for Student Financial Aid *

The following are the minimum acceptable standards of satisfactory academic progress, for each professional year **as it relates to financial aid eligibility**. The College reserves the right to determine when a student is making satisfactory academic progress, if recommended to continue the current curriculum in a regular or special status by the Faculty Committee on Course and Standing.

Professional Year	Cumulative GPA
First	1.00 (D)
Second	1.50
Third	1.75
Fourth	2.00 (C)

Academic Progress and Requirements

The University is concerned each student's academic advancement proceed at a satisfactory pace. Student's academic progress will be reviewed each term. The entire OD program must be completed within seven years. The following chart lists the minimum number of credit hours students OD and students must pass per academic year.

Academic years completed	1	2	3	4	5	6	7
Number of credits Successfully completed per year	28.60	28.60	31.25	31.25	34.85	34.88	50.00

Academic progress is established by dividing the academic year in question by the number of terms included in the year. Failure to make satisfactory progress during the first term will result in financial aid probation for one term. Failure to make satisfactory progress during the second period will result in withdrawal of aid. A review of the full academic year will be made prior to the decision to withdraw financial aid.

Return of Title IV Policy/Withdrawing from Classes

If you withdraw from all classes prior to completing more than 60% of a semester, you may be required to repay a portion of the federal financial aid received for the semester.

Financial Aid Office is required by federal statute to recalculate federal financial aid eligibility for students who withdraw, drop out, are dismissed, or take a leave of absence prior to completing 60% of a payment period or semester. All Title IV financial aid programs must be recalculated in these situations.

The return of Federal Title IV funds calculation determines the percentage of “earned” and “unearned” federal aid. This percentage is determined by dividing the number of days completed by the number of days in the payment period. If the student has completed more than 60 percent of the period, all funds have been “earned,” and there is no return of federal funds. If less than 60 percent of charges were “earned,” the formula determines the amount of aid which must be returned to the federal programs.

Federal funds must be returned in the following order:

Unsubsidized Federal Stafford Loans,
PLUS Loans,
other Title IV assistance.

Contact the Financial Aid Office for more information.

The college must return the amount of Title IV funds for which it is responsible no later than 45 days after the date of the determination of the date of the student's withdrawal.

Students who are no longer attending at least six credit hours at the time loan funds are scheduled to be disbursed are not eligible to receive those funds. The loan will be cancelled and all loan funds returned to the Department of Education. Keep in mind that when Title IV funds are returned, the student may owe a debit balance to the college

The student should contact the Bursar's Office to make arrangements to pay the balance. In any instance where it is felt that individual circumstances may warrant exception to the institutional refund policy, the student may appeal in writing to the Student Affairs Office

Appendix B

Students with Disabilities Under the Americans with Disabilities Act (ADA)

The SUNY College of Optometry is committed providing students with disabilities equal access to all of its programs and services by providing reasonable accommodation, as governed by the Americans with Disabilities Act (ADA), SUNY policy, and not withstanding the Functional Requirements for the Profession of Optometry.

If a newly admitted or current student or newly admitted student has historically been provided accommodations in school, he or she may wish to consider disclosing his or her disability and to formally applying for accommodations at SUNY Optometry.

If a student receives a new diagnosis from a licensed medical professional or psychologist while studying at SUNY College of Optometry, and if reasonable accommodations are recommended by this provider, he or she may also wish to disclose the disability and to formally apply for accommodations at the College.

IMPORTANT: It is the student's right and sole responsibility to disclose or not disclose a particular disability. Disclosure must always be done in writing, as outlined below.

Requesting a Reasonable Accommodation Under ADA

Formal requests for reasonable accommodations must be submitted to the vice president for student affairs six weeks before the student needs a particular accommodation, or as soon possible. The vice president for student affairs will make every effort to keep the matter confidential, but complete confidentiality cannot be always guaranteed. Students do not have to discuss their diagnoses with their faculty members, however, unless they choose to.

Students will be notified by the vice president for student affairs, in writing, when a final decision is made to grant or deny a request for a reasonable accommodation. The college registrar will notify college faculty when a student has been approved for a specific accommodation. The registrar will also notify the College's director of human resources/Title IX officer, who maintains records of the accommodations granted for SUNY system compliance.

The SUNY College of Optometry reserves the right to verify the information provided by a student and to request additional information, as necessary, until a decision is reached by the vice president for student affairs.

Typically, students with learning or psychological disabilities are required to undergo adequate testing or examination by a licensed and qualified medical doctor or psychologist, disclose their diagnosis and verify that they are being properly medicated (if applicable) for the condition in question. Also, it is important for the attending physician or psychologist to provide a statement that recommends the accommodation(s) that the student needs and to explain how the provision of the particular accommodation will help the student be more successful in a College program.

Types of Accommodations

The SUNY College of Optometry historically has provided the following reasonable accommodation to students who have been approved, in advance, to receive them:

- Extended time to take an examination
- The ability to take a written examination in a quiet environment

- Special classroom seating
- Tape recording of lectures (with instructor's permission)
- Peer note taker
- Tutoring Services
- Assistive listening device, e.g. FM system

Students who have been approved for testing accommodations must notify their professors of their needs at the beginning of each semester. It is also a good idea to remind these professors one week prior to a scheduled exam. ***If a student waits to notify their faculty members, last minute requests for accommodations cannot be guaranteed.***

Behavioral Concerns

The ADA does not excuse the inappropriate behavior of students.

- A student is not qualified for accommodations if he/she cannot comply with the College's Code of Ethics or if he/she poses a serious risk of harm to others.
- An institution may discipline a student with a disability for engaging in misconduct if it would impose the same discipline on a student without a disability.
- Misconduct due to not taking prescribed medication does not have to be accommodated.

Grievance Procedures

Students have 10 business days from the date a decision is rendered by the vice president of student affairs to appeal the decision to the SUNY College of Optometry's director of human resources/Title IX officer.

The appeal or complaint must be presented to the director of human resources/Title IX officer, ***in writing***, within 10 business days following the decision being appealed so that documents can be reviewed and interviews can be conducted, as necessary, to determine if reasonable accommodations can be provided to the student.

The vice president for student affairs is available, by appointment, to discuss the process for requesting reasonable accommodations under ADA with interested students.



Appendix C

Functional Requirements for Succeeding in Optometry School and as a Doctor Of Optometry

In an effort to inform students of the personal skills that are required to practice the profession of optometry, the following functional standards were developed by the Association of Schools and Colleges of Optometry:

Functional Standards for Didactic and Clinical Optometric Education

The SUNY College of Optometry must ensure that students demonstrate satisfactory knowledge and skills in the provision of optometric care. The Admission Committee, therefore, must consider a candidate's capacity to function effectively in both the academic and clinical environments, as well as a candidate's academic qualifications and personal attributes.

To provide guidance to those considering optometry as a profession, the Association of Schools and Colleges of Optometry (ASCO) has established functional standards for optometric education. The ability to meet these standards, along with other criteria established by SUNY Optometry, is necessary for graduation from our Doctor of Optometry program.

The functional standards for optometric education require that the candidate/student possess appropriate abilities in the following areas: 1) observation; 2) communication; 3) sensory and motor coordination; 4) intellectual-conceptual, integrative and quantitative abilities; and 5) behavioral and social attributes. Each of these areas is described in this document.

In any case where a student's abilities in one of these areas are compromised, he or she must demonstrate alternative means and/or abilities to meet the functional requirements. It is expected that seeking and using such alternative means and/or abilities shall be the responsibility of the student. Upon receipt of appropriate documentation of a disability, to the Office of Student Affairs, the College will be expected to provide reasonable assistance and accommodation to the student.

Observation Abilities

The student must be able to acquire a defined level of required knowledge as presented through lectures, laboratories, demonstrations, patient interaction and self-study. Acquiring this body of information necessitates the functional use of visual, auditory and somatic sensation enhanced by the functional use of other sensory modalities. Examples of these observational skills in which accurate information needs to be extracted in an efficient manner include:

Visual Abilities (as they relate to such things as visual acuity, color vision and binocularity):

- visualizing and reading information from papers, films, slides, video and computer displays
- observing optical, anatomic, physiologic and pharmacologic demonstrations and experiments
- discriminating microscopic images of tissue and microorganisms
- observing a patient and noting non-verbal signs
- discriminating numbers, images, and patterns associated with diagnostic tests and instruments
- visualizing specific ocular tissues in order to discern three-dimensional relationships, depth and color changes

Auditory Abilities

- understanding verbal presentations in lecture, laboratory and patient settings
- recognizing and interpreting various sounds associated with laboratory experiments as well as diagnostic and therapeutic procedures

Tactile Abilities

- palpating the eye and related areas to determine the integrity of the underlying structures
- palpating and feeling certain cardiovascular pulses

Communication Abilities

The student must be able to communicate effectively, efficiently and sensitively with patients and their families, peers, staff, instructors and other members of the health care team. The student must be able to demonstrate established communication skills using traditional and alternative means. Examples of required communications skills include:

- relating effectively and sensitively to patients, conveying compassion and empathy
- perceiving verbal and non-verbal communication such as sadness, worry, agitation and lack of comprehension from patients
- eliciting information from patients and observing changes in mood and activity
- communicating quickly, effectively and efficiently in oral and written English with patients and other members of the health care team
- reading and legibly recording observations, test results and management plans accurately
- completing assignments, patient records and correspondence accurately and in a timely manner

Sensory and Motor Coordination Abilities

Students must possess the sensory and motor skills necessary to perform an eye examination, including emergency care. In general, this requires sufficient exteroception sense (touch, pain, temperature), proprioceptive sense (position, pressure, movement, stereognosis, and vibratory) and fine motor function (significant coordination and manual dexterity using arms, wrists, hands and fingers). Examples of skills required include:

- instillation of ocular pharmaceutical agents
- insertion, removal and manipulation of contact lenses
- assessment of blood pressure and pulse
- removal of foreign objects from the cornea
- simultaneous manipulation of lenses, instruments and therapeutic agents and devices
- reasonable facility of movement

Intellectual, Conceptual, Integrative and Quantitative Abilities

Problem solving, a most critical skill, is essential for optometric students and must be performed quickly, especially in emergency situations. In order to be an effective problem solver, the student must be able to accurately and efficiently utilize such abilities as measurement, calculation, reasoning, analysis, judgment, investigation, memory, numerical recognition and synthesis. Examples of these abilities include being able to:

- determine appropriate questions to be asked and clinical tests to be performed
- identify and analyze significant findings from history, examination, and other test data
- demonstrate good judgment and provide a reasonable assessment, diagnosis and management of patients
- retain, recall and obtain information in an efficient manner
- identify and communicate the limits of one's knowledge and skill

Behavioral and Social Attributes

The student must possess the necessary behavioral and social attributes for the study and practice of optometry. Examples of such attributes include:

- satisfactory emotional health required for full utilization of one's intellectual ability
- high ethical standards and integrity
- an empathy with patients and concern for their welfare
- commitment to the optometric profession and its standards
- effective interpersonal relationships with patients, peers and instructors
- professional demeanor
- effective functioning under varying degrees of stress and workload
- adaptability to changing environments and uncertainties inherent in patient care
- positive acceptance of suggestions and constructive criticism



Appendix D

Article 130 – Sex Offenses from NYS Penal Law

Section 130.00 Sex offenses; definitions of terms.

- 130.05 Sex offenses; lack of consent.
- 130.10 Sex offenses; limitation; defenses.
- 130.16 Sex offenses; corroboration.
- 130.20 Sexual misconduct.
- 130.25 Rape in the third degree.
- 130.30 Rape in the second degree.
- 130.35 Rape in the first degree.
- 130.40 Criminal sexual act in the third degree.
- 130.45 Criminal sexual act in the second degree.
- 130.50 Criminal sexual act in the first degree.
- 130.52 Forcible touching.
- 130.53 Persistent sexual abuse.
- 130.55 Sexual abuse in the third degree.
- 130.60 Sexual abuse in the second degree.
- 130.65 Sexual abuse in the first degree.
- 130.65-a Aggravated sexual abuse in the fourth degree.
- 130.66 Aggravated sexual abuse in the third degree.
- 130.67 Aggravated sexual abuse in the second degree.
- 130.70 Aggravated sexual abuse in the first degree.
- 130.75 Course of sexual conduct against a child in the first degree.
- 130.80 Course of sexual conduct against a child in the second degree.
- 130.85 Female genital mutilation.
- 130.90 Facilitating a sex offense with a controlled substance.
- 130.91 Sexually motivated felony.
- 130.92 Sentencing.
- 130.95 Predatory sexual assault.
- 130.96 Predatory sexual assault against a child.

§ 130.00 Sex offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or

controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. "Forcible compulsion" means to compel by either:

(a) use of physical force; or

(b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis or rectum, is capable of causing physical injury.

10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child.

12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

§ 130.05 Sex offenses; lack of consent.

1. 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.

2. Lack of consent results from:

(a) Forcible compulsion; or

(b) Incapacity to consent; or

(c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or

Incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or

(d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

3. A person is deemed incapable of consent when he or she is:

(a) less than seventeen years old; or

(b) mentally disabled; or

(c) mentally incapacitated; or

(d) physically helpless; or

(e) committed to the care and custody of the state department of correctional services or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means

(i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates;

(ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine-e of the executive law; or

(iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law, consisting of providing custody, or medical or mental health services for such inmates; or

(iv) a person, including a volunteer, providing direct services to inmates in the state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of correctional services or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or

(f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state division of parole or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

(g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility who performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for persons committed to or placed with the office of children and family services and in residential care; or

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination.

§ 130.10 Sex offenses; limitation; defenses.

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.
2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article.
3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was

not performed for a valid medical purpose.

4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, or a client or patient and the actor is a health care provider, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section 130.00 of this article.

§ 130.16 Sex offenses; corroboration.

A person shall not be convicted of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:

- (a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual conduct, or sexual contact, as the case may be, at the time of the occurrence; and
- (b) Connect the defendant with the commission of the offense or attempted offense.

§ 130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

§ 130.25 Rape in the third degree.

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

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she 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 third degree is a class E felony.

§ 130.30 Rape in the second degree.

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

1. Being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. He or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

§ 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when he or she 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 eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony

§ 130.40 Criminal sexual act in the third degree.

A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct 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 third degree is a class E felony.

§ 130.45 Criminal sexual act in the second degree.

A person is guilty of criminal sexual act in the second degree when:

1. Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony

§ 130.50 Criminal sexual act in the first degree.

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct 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 eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

§ 130.52 Forcible touching.

A person is guilty of forcible touching when such 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. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

§ 130.53 Persistent sexual abuse.

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.

§ 130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he or she 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
- (c) the defendant was less than five years older than such other person.

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

§ 130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he or she 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 seventeen years old; or
- 2. Less than fourteen years old.

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

§ 130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he or she 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 eleven years old.

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

§ 130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:

- (a) He or she inserts a 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 seventeen years old; or
 - (b) He or she inserts a finger in the vagina, urethra, penis or rectum 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 seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.

§ 130.66 Aggravated sexual abuse in the third degree.

1. 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.

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

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

§ 130.67 Aggravated sexual abuse in the second degree.

1. 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.
 2. 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.

§ 130.70 Aggravated sexual abuse in the first degree.

1. 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.
 2. 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.

§ 130.75 Course of sexual conduct against a child in the first degree.

1. 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:
 - (a) he or she 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 eleven years old; or
 - (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.
 2. 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 B felony.

§ 130.80 Course of sexual conduct against a child in the second degree.

1. 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:
 - (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or
 - (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.
 2. 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.

§ 130.85 Female genital mutilation.

1. A person is guilty of female genital mutilation when:
 - (a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
 - (b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.
2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
 - (a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in

the place of its performance as a medical practitioner; or
(b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.
Female genital mutilation is a class E felony.

§ 130.90 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.

Facilitating a sex offense with a controlled substance is a class D felony.

§ 130.91 Sexually motivated felony.

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter:

- assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10,
- gang assault in the second degree as defined in section 120.06,
- gang assault in the first degree as defined in section 120.07,
- stalking in the first degree as defined in section 120.60,
- strangulation in the second degree as defined in section 121.12,
- strangulation in the first degree as defined in section 121.13,
- manslaughter in the second degree as defined in subdivision one of section 125.15,
- manslaughter in the first degree as defined in section 125.20,
- murder in the second degree as defined in section 125.25,
- aggravated murder as defined in section 125.26,
- murder in the first degree as defined in section 125.27,
- kidnapping in the second degree as defined in section 135.20,
- kidnapping in the first degree as defined in section 135.25,
- burglary in the third degree as defined in section 140.20,
- burglary in the second degree as defined in section 140.25,
- burglary in the first degree as defined in section 140.30,
- arson in the second degree as defined in section 150.15,
- arson in the first degree as defined in section 150.20,
- robbery in the third degree as defined in section 160.05,
- robbery in the second degree as defined in section 160.10,
- robbery in the first degree as defined in section 160.15,
- promoting prostitution in the second degree as defined in section 230.30,
- promoting prostitution in the first degree as defined in section 230.32,
- compelling prostitution as defined in section 230.33,
- disseminating indecent material to minors in the first degree as defined in section 235.22,
- use of a child in a sexual performance as defined in section 263.05,

promoting an obscene sexual performance by a child as defined in section 263.10,
promoting a sexual performance by a child as defined in section 263.15,
or any felony attempt or conspiracy to commit any of the foregoing offenses.

§ 130.92 Sentencing.

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.
2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.
3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

§ 130.95 Predatory sexual assault.

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight there from, he or she:
 - (a) Causes serious physical injury to the victim of such crime; or
 - (b) Uses or threatens the immediate use of a dangerous instrument; or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or
3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

Predatory sexual assault is a class A-II felony.

§ 130.96 Predatory sexual assault against a child.

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

Predatory sexual assault against a child is a class A-II felony.

