



Annual Security Report

2020

Contains Statistics for 2019-2018-2017

**Jeanne Clery Disclosure of Campus Security Policy
and Campus Crime Statistics Act**

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THE CLERY ACT

Jeanne Clery Act Overview

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998," commonly referred to as the "Clery Act," requires institutions of higher education receiving federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community.

Annual Security Report Overview

SUNY Morrisville provides crime information and statistics to the public in a variety of ways. In addition to the Clery Act, SUNY Morrisville publishes and distributes the Annual Campus Security Reports for current and prospective students and employees by October 1st of each year. The annual security compliance document at SUNY Morrisville is called the Annual Security Report. The report contains information on campus security and personal safety, including crime prevention, the New York State University Police at SUNY Morrisville law-enforcement authority, crime reporting policies, disciplinary procedures and other important matters about security on campus. It also contains statistics for the three previous calendar years on reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by SUNY Morrisville, and on public property within or immediately adjacent to and accessible from the campus. If you wish to receive a hard copy of the Annual Security Report, please stop by New York State University Police located in Brooks Hall or the Office of Student Rights and Responsibilities located in Helyar Hall, Morrisville, NY 13408. If you would like to request that a copy be mailed to you, please call (315) 684-6070. You may review the statistics contained in the Annual Security Report by accessing the U.S. Department of Education's website at <http://surveys.ope.ed.gov/campussafety>.

Background

The current Clery Act is the latest iteration of a law first passed by Congress in 1990 as part of the Higher Education Act, "The Student Right-To-Know and Campus Security Act of 1990." This law, and regulations adopted by the Department of Education implementing the law, has been subject to evolution since its inception. The 1998 amendments, among other things, renamed the "Student Right-to-Know and Campus Security Act" as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act." The 1998 amendments, which became effective October 1, 1998, expanded the campus responsibilities for recording crime statistics, the number of people from whom colleges must collect statistics, and revised reporting methods and deadlines. The Department of Education regulations implementing the 1998 amendments to the Clery Act were adopted on November 1, 1999 and became effective July 1, 2000. The 1999 regulations define and clarify reporting obligations for various geographic locations, clarify the responsibilities of counselors, add new categories of crimes to be reported and new policies to be disclosed, clarify how to compile and describe crime statistics, change the date for disclosure of the Annual Security Report to October 1, and require certain institutions (including the SUNY Morrisville campuses) to maintain a publicly available crime log. In August 2008, the President signed HR4137, "An Act to amend and extend the Higher Education Act of 1965."

Annual Disclosure of Crime Statistics

The CLERY Act requires the collection and disclosure of reported CLERY Act crimes that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or properties that the institution owns or controls. This statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime, which must be reported by category of prejudice.

The Office of Student Rights and Responsibilities prepares the Annual Security Report by collecting the statistical information from the NYS University Police Department who also collects statistics from local municipal police departments (listed below), as well as from Campus Security Authorities (listed below). This information is integrated into a single document, posted on the SUNY Morrisville website accessible by multiple links, and provided in a hard copy document by request.

Local Reporting Municipal Police Departments

New York State Police

Norwich Police Department

Chenango County Sheriff's Office

Oneida County Sheriff's Office

Madison County Sheriff's Office

Syracuse Police Department

Campus Security Authorities

New York State University Police at SUNY Morrisville

Office of Student Rights and Responsibilities

Student Activities Office & Advisors of Clubs/Organizations

Director of Residence Life, Resident Hall Directors, Resident Assistants, and Night Hosts

Director of Athletics, Coaches, and Athletic Trainers

Professional Tutors

Academic Advisors

Director of the Educational Opportunity Program (EOP) and Counselors

Director of the Collegiate Science Technology Entry Program (CSTEP) and Counselors

Director of the SUNY Morrisville - Norwich Campus

2019 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses									Arrests and Referrals					
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	3	1	0	0	0	0	7	0	1	22	112	5	93	4	0
On Campus – Non-Residence Hall	0	0	1	0	0	0	0	2	1	0	0	13	17	5	9	0	1
Total On Campus	0	0	4	1	0	0	0	2	8	0	1	35	129	10	102	4	1
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	6	1	0	0	0	0
Total	0	0	4	1	0	0	0	2	8	0	1	41	130	10	102	4	1

There were no Unfounded Crimes for 2019.

2019 CLERY Statistics Continued

Part III - Hate Crimes															Part IV			
	Criminal Homicide		Sex Offenses												Criminal Incidents			
Hate Crime Category Legend: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	1	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	10	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	10	0

There were no Unfounded Crimes for 2019.

2018 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses								Arrests and Referrals						
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	3	3	0	0	0	0	3	0	2	48	130	12	147	2	3
On Campus – Non-Residence Hall	0	0	0	1	0	0	0	0	1	0	0	38	23	12	5	1	0
Total On Campus	0	0	3	4	0	0	0	0	4	0	2	86	153	24	152	3	3
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	6	6	3	9	0	0
Total	0	0	3	4	0	0	0	0	4	0	2	92	159	27	161	3	3

There were no Unfounded Crimes for 2018.

2018 CLERY Statistics Continued

Part III - Hate Crimes														Part IV				
	Criminal Homicide		Sex Offenses											Criminal Incidents				
Hate Crime Category Legend: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	1
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	1R	0	2	1	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	1R	0	2	10	1
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	1R	0	2	10	1

There were no Unfounded Crimes for 2018.

2017 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses									Arrests and Referrals					
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	2	0	0	0	0	0	7	0	0	31	105	4	156	3	5
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	12	16	4	18	0	0
Total On Campus	0	0	2	0	0	0	0	0	7	0	0	43	121	8	174	3	5
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	2	0	6	0	0
Total	0	0	2	0	0	0	0	0	7	0	0	43	123	8	180	3	5

There were no Unfounded Crimes for 2017.

2017 CLERY Statistics Continued

Part III - Hate Crimes															Part IV			
	Criminal Homicide		Sex Offenses												Criminal Incidents			
<u>Hate Crime Category Legend:</u> R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	10	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	10	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	10	0

There were no Unfounded Crimes for 2017.

Timely Warning Policy

SUNY Morrisville is required to issue a timely warning for all CLERY Act crimes that occur anywhere in the CLERY reportable geography that are reported to campus security authorities or the local police agency that represents a serious or ongoing threat to the health or safety of students and/or employees. These warnings must be provided in a manner that is timely and will aid in the prevention of similar crimes. The NYS University Police Chief makes the determination when a timely warning is to be issued on a case by case basis after reviewing the facts surrounding a crime. Timely warnings are disseminated through electronic mail and the posting of bulletins at various locations on campus.

Reporting of Criminal Actions and Emergencies

SUNY Morrisville encourages every member of the community to report all crimes in an accurate and timely manner. SUNY Morrisville encourages every member of the campus community to report a crime immediately when the victim of a crime elects to, or is unable to, make such a report. All police/fire/medical emergencies should be reported immediately to the New York State University Police at SUNY Morrisville at 911.

Emergency call telephones are located in strategic locations to provide immediate direct access to the New York State University Police at SUNY Morrisville. Each emergency call phone is identified by an overhead blue light. The purpose of the emergency call phones is to provide a method for people to alert the New York State University Police at SUNY Morrisville of any emergency or suspicious circumstances they may observe. To activate the emergency call phone, lift the hand set and tell the dispatcher what you have seen. If in an emergency you are unable to speak, you can alert the New York State University Police by simply taking the hand set off the hook and leave it hanging. This will signal the dispatcher who will then send assistance.

Non-Emergency/Routine Business

Non-emergency business may be reported by calling the New York State University Police at SUNY Morrisville at (315) 684-6410. When calling from an office on campus dial extension x6410.

Confidential Reporting of Crimes

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report by mailing a written statement to the New York State University Police at SUNY Morrisville, Brooks Hall, Morrisville, New York 13408, or by calling the New York State University Police at SUNY Morrisville at (315) 684-6410.

The Silent Witness is a program to allow for the reporting of suspected criminal activity. Information submitted will be reviewed by University Police, and appropriate action will be taken as warranted. If you see a suspected crime occurring on campus and you would like to report it, please click the link for Silent Witness on the University Police web page and fill out the form. All information will be kept confidential.

The College encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary,

confidential basis for inclusion in the report by mailing a written statement to the New York State University Police at SUNY Morrisville, Brooks Hall, Morrisville, NY 13408, or by calling the New York State University Police at SUNY Morrisville at (315) 684-6410.

Annual Fire Safety Report

The Higher Education Opportunity Act (HEOA) requires two safety-related requirements for the institutions that participate in the federal student financial aid programs which follow:

1. **Fire Log:** Institutions must keep a fire log that states the nature of the fire, date, time and general location of each fire in on-campus student housing facilities. SUNY Morrisville complies with this rule by including all fire related incidents in the University Police Blotter. To view the most recent seven (7) days of information please contact University Police located in Brooks Hall at (315) 684-6410. The public can also view the most recent 60 days of fire related incidents by contacting the Office of Environmental Health and Safety located in Brooks Hall at (315) 684-6410.
2. **Annual Fire Safety Report:** Institutions with on-campus student housing must publish annually a fire safety report that provides information on campus fire safety practices and standards. SUNY Morrisville complies with this regulation by including all fire related incidents at on-campus student housing facilities as part of the *Annual Security & Fire Safety Report*. Information contained in this annual fire safety report includes: number and causes of fires at all on-campus student housing facilities, number of fire-related deaths; related injuries; value of fire related property damage; information on fire evacuation procedures; fire safety education and training programs; fire systems in each student housing facility; number of regular mandatory fire drills; and Fire Safety Policies for on-campus student housing facilities. The public can also view the annual fire safety report by contacting the Office of Environmental Health and Safety located in Brooks Hall building at (315) 684-6410.

Norwich Annual Security Report

Institutions with more than one campus must comply independently with all of the CLERY Act and the fire and safety related HEA requirements. For the purpose of these requirements, a **separate campus** must meet the following requirements:

- Your institution owns or controls the site
- The site is not reasonably geographically contiguous with the main campus
- The site has an organized program of study
- There is at least one person on site acting in an administrative capacity

Under these requirements, the Norwich campus of SUNY Morrisville must publish their own Annual Security Report as a separate campus. If you wish to receive a hard copy of the Norwich Campus Annual Security Report, please stop by the SUNY Morrisville Norwich Campus Administration Office, located on the second floor at Roger W. Follett Hall, 20 Conkey Avenue, Norwich, NY 13815. If you would like to request that a copy be mailed to you, please call (607) 334-5144.

Annual Disclosure of Campus Safety Policies

Campus safety policies are contained in the SUNY Morrisville Student Handbook, which is available on the SUNY Morrisville website at www.morrisville.edu/studenthandbook. The Annual Security Report must in addition to providing required crime statistics, disclose policy statements that accurately reflect SUNY Morrisville's security policies, procedures and practices.

Law Enforcement

The New York State University Police at SUNY Morrisville consist of sworn police officers, who are graduates of a 20-week training program. University Police operate 24 hours-per-day, 365 days a year and can be reached by calling (315) 684-6410. The department is an authorized terminal user of all local, regional, state and federal criminal justice information systems (e.g., wanted persons, DMV, stolen vehicles/property, criminal records, etc.). SUNY Morrisville employs police officers to deliver public safety services to the campus community. Police officers are armed, duly sworn police officers of the State of New York. SUNY Morrisville Police Officers possess the same authority and adhere to the same state-mandated standards as municipal police officers. Therefore, under New York law, SUNY Morrisville officers may enforce laws and make arrests anywhere in the state; however, they concentrate their efforts on the campus and the immediate surrounding area.

SUNY Morrisville officers may work in uniform or plain-clothes. They provide a full range of police related services, including: primary emergency responses; preventative patrols; investigation of observed, reported, or suspected crimes; enforcement of all applicable laws; follow-up and specialized criminal investigations; crime prevention; community liaison and relations; V.I.P./dignitary protection; special event security; traffic activities (enforcement and accident investigations).

Persons arrested by SUNY Morrisville officers are processed in accordance with prevailing practices in Madison County, which can include: citation and release; booking into the Madison County Jail; filing of charges with, and prosecution through, the District Attorney's Office; and formal trial. Additionally, SUNY Morrisville affiliates (student, faculty, staff) may be subject to additional (administrative/Code of Conduct) sanctions.

The New York State University Police Department at SUNY Morrisville enjoys a positive and close working relationship with the New York State Police and the Madison County Sheriff's Office, with whom they share proximity, mutual interests, geographic jurisdiction and written memoranda of understanding for the investigation of alleged offenses. All Police Departments share information regarding crimes in each jurisdiction.

Disclosure of Crime Log Information

The New York State University Police at SUNY Morrisville maintains a daily crime log that contains specified information about any and all reported crimes that occur within the patrol jurisdiction. The daily crime log can be viewed at the New York State University Police at SUNY Morrisville located in Brooks Hall. Certain information may be withheld from the crime log under specified circumstances, primarily information that would jeopardize the success of an investigation or the safety of a person involved in the investigation. The New York State

University Police at SUNY Morrisville makes the crime log for the most recent 60-day period open to public inspection during normal business hours, while crime logs containing material more than 60 days old are retained for seven years for public inspection upon two days' notice.

Public Safety Service

A vital part of the New York State University Police role at SUNY Morrisville is the education of students about safety precautions and to encourage and increase compliance with the criminal justice system. The prevention of crime provides the best measure of protection from crime. Therefore, the New York State University Police at SUNY Morrisville operates as a proactive crime prevention team that works closely with the members of the community to make SUNY Morrisville a safer place to work, live and learn.

SUNY Morrisville has a personal safety committee that specifically reviews current policies and procedures for:

- A. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault
- B. educating the campus community about personal safety and crime prevention
- C. reporting sexual assaults and dealing with involved individuals during investigations
- D. referring complaints to appropriate authorities
- E. counseling involved individuals
- F. responding to inquiries from persons concerned about campus safety

The committee consists of a minimum of six members, at least half of whom are female, two students appointed by the Student Government Association, two faculty members appointed by the College Senate, and two individuals appointed by the President. The committee reports in writing, to the college President or chief administrative officer on its findings and recommendations at least once each academic year, and such reports shall be available upon request. For more information regarding the Personal Safety/Campus Security Committee, please contact the Chief of University Police at (315) 684-6410.

Campus safety is enhanced by strategically placed lighting and surveillance equipment around the campus. Many parking lots and Residence Hall entrances are monitored with surveillance cameras. The Residence Halls are patrolled nightly and intercollegiate athletic games and other events are monitored.

A "blue light" emergency telephone system is located throughout the Campus. The telephone system provides a direct/automatic link to University Police. The emergency telephones are located in strategic locations to provide immediate access to the New York State University Police at SUNY Morrisville. Each phone is identified by an overhead blue light.

Campus Emergency Response

SUNY Morrisville will "immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff" on campus (as defined in the Clery Act). Warnings may only be withheld if they would compromise efforts to contain the emergency.

In the event of a major emergency, or an event which poses a threat to students, employees, or others, a “Campus Alert Bulletin” will be prepared and distributed in one or more of the following ways:

- * University Police web site
- * Letter to students, faculty, and staff
- * WCVM –The campus radio station
- * Campus e-mail service
- * Campus newspaper, “Chimes”
- * SUNY NY Alert emergency notification system
- * Main entrance doors to academic and residence hall buildings

New York Alert is an instant, mass notification system that enables students, employees and parents to receive emergency notifications and updates via SMS text messaging, voice message, e-mail and/or fax. This initiative is one component of the college's wide-reaching emergency communications strategy, with the goal of providing a safe and secure environment in which to work and live.

NY Alert is a completely voluntary service provided by the State of New York to all SUNY campuses. Information provided will be used for notification purposes only; no advertisements or non-emergency alerts will be sent. Users must sign up for the service in order to receive alerts. To sign up students need to go to Web for Students and sign in using their Morrisville ID and PIN.

If users receive a NY Alert message, they should do the following: Read the message carefully - don't ignore it. Alert others. Whether in a residence hall, dining hall, classroom or office, users should let others know about the alert. It is important to help spread the word about any emergency. Follow all instructions carefully. The instructions will be direct and specific to the particular situation. If the situation requires it, additional messages will be transmitted to update you.

Users may receive NY Alert messages through student sign up. If parents/guardians would like to receive the alerts, simply ask to have your student add your cell and/or email information to his/her account. To keep information as current as possible, users will be asked to update their information once during the academic year. It will be necessary to complete this update annually to continue receiving alerts.

Emergency Response and Evacuation Procedures

The College uses NY-ALERT as an emergency contact system designed to send e-mail, recorded voice, and text messages to multiple addresses and phone numbers, in response to any event or situation on the campus which poses a serious safety concern, including weather related class cancellations. The system is tested each semester. Faculty, staff, and students are strongly encouraged to provide their emergency contact information, which is sent to the State Emergency Management Organization by SUNY System Administration. Students are reminded to provide/update their information regularly when they access campus web services.

Missing Student Policy and Procedure

It is the policy of SUNY Morrisville to treat all reports of missing students as serious incidents and to investigate such reports completely. SUNY Morrisville University Police will thoroughly investigate all reports of missing students, treating every report as one where the person reported missing may be at risk, until significant information to the contrary is confirmed. The College encourages timely reporting of missing students to New York State University Police by all members of the SUNY Morrisville Community, to assist in locating students who are reported missing, and to comply with federal law as stated in the Missing Person Procedures of the Higher Education Opportunity Act 488(3) HEA section 485U1.

Response and Investigation

Missing student: When a report of a missing student is received by SUNY Morrisville or local police agencies (i.e., NYS Police, Madison County Sheriff's Office), the receiving department will conduct a preliminary investigation in order to verify the complaint relating to the reported missing student. If the student's absence is verified, the incident will be reported and shared between departments. Both departments will continue the investigation to locate the missing student. If, after further investigation the missing student is not located, both departments will determine the most efficient manner of continuing the investigation. In any event, information relating to any report of a missing student shall be shared by both parties no later than twelve (12) hours from the time of the initial report. If the missing student is located or returns to SUNY Morrisville at any time after the matter has been reported, each party shall notify the other immediately.

Reporting Missing Students

A student may be considered to be missing if the student's absence is contrary to his or her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but are not limited to: (1) absence from multiple classes; (2) indicators that a student may be a victim of foul play; (3) expressed suicidal thoughts; (4) indicators of drug dependency; (5) indicators that the student may be in a life-threatening situation or has been with persons who may endanger his or her welfare. SUNY Morrisville University Police suggests to all members of the SUNY Morrisville community that if there is a possibility that a student is missing, consult University Police as soon as possible, by calling 911.

Any College employee who receives information indicating that a student may be missing must report this information to University Police immediately whether the student is a resident or non-resident student. Any student, who believes that another student is missing, is encouraged to notify University Police as soon as possible. University Police will investigate all incidents of reported missing students and will exhaust all leads to locate resident students (those who live in on-campus facilities). In situations where the student is a non-resident (resides off campus), University Police will help notify the proper law enforcement agency in the jurisdiction where the student resides or was last seen and assist with the investigation. This notification will be done within 24 hours of receiving a credible report. Nothing in this policy requires the University Police to wait 24 hours before reporting to the law enforcement agency with jurisdiction. Upon receiving a report of a missing student, and conducting a preliminary check of the student's room and other areas on campus the student may frequent, University Police will notify the Provost and the Vice President of Student Affairs.

Procedures for Reporting a Missing Person/Student on Campus:

A SUNY Morrisville employee, student or other member of the college community receiving information regarding an alleged missing person/student should immediately report it to the University Police by doing one of the following: Call 911 or use an emergency blue light phone

Procedures for reporting a missing person/student off campus, call either:

NYS Police (315)-363-4400 or 911

Madison County Sheriff's Office (315)366-2311

In the event that a student under the age of 18 years old is reported missing, his/her parents or legal guardian will be notified.

Efforts will be made to ensure confidentiality of missing person reports

Emergency Contact Information

At the beginning of each academic semester, all students will be notified of the following:

1. The student will have the opportunity to identify a contact person or persons whom will be notified within 24 hours of the determination by law enforcement that the student is missing;
2. This contact information will be confidential and will be accessible only to authorized university officials and it will not be disclosed except to law enforcement personnel involved in a missing persons investigation;
3. For students who are 18 years of age or older, this notification to the designated emergency contact person will be notified within but no later than 24 hours after the student is determined to be missing. Students who are under 18 years of age and not emancipated, the Dean of Students and/or University Police must notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing and will also notify the student's designated emergency contact person.

Campus Education Efforts

The NYS University Police Department provides and/or participates in orientation programs, club meetings, and presents programs on such topics as alcohol abuse/legal responsibilities, drug awareness/legal responsibilities and sexual abuse. Brochures and literature on crime prevention and personal safety are distributed to emphasize the need for personal safety.

In order to increase the level of crime awareness and campus safety at SUNY Morrisville, incidents of criminal activity within the campus community are publicized in many ways: distribution of the SUNY Morrisville Annual Security Report, posting of statistics on the SUNY Morrisville website and communication via regular police activity reports to campus administrators.

“Operation ID” is available to record serial numbers of personal property. Student, faculty and staff vehicles operated on campus require registration with the New York State University Police at SUNY Morrisville. Decals providing identification and parking lot designation are offered for a fee.

An “Adopt-a-Dorm” program has been established for the Residence Halls. Each officer is assigned a Residence Hall as a resource officer for that community. Through this program, floor

and hall-wide information programs are presented to residents by the officer. SUNY Morrisville police officers participate in the “Adopt-a-Dorm” program whereby s/he becomes familiar with a designated residence hall.

University Police provide a self-defense program. The Rape Aggression Defense (RAD) System is a program of realistic, self-defense tactics and techniques. The RAD system is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. RAD is not a martial arts program. Courses are taught by certified RAD Instructors and provide a workbook/reference manual. Effective options are taught to woman to empower them to take an active role in their own self-defense and psychological well-being.

SUNY Morrisville has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College’s jurisdiction; safe and positive bystander intervention when there’s a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures.

“Life on Campus” sessions are offered during welcome weekend, where college age actors cover topics in a dramatic theater presentation. That program is followed by a dialogue on these topics between students and college facilitators.

“Bystander Intervention” presentations are offered starting welcome weekend and throughout the semester that every freshman and others are encouraged to attend where college facilitators cover required topics. Students were also informed about bystander intervention and the theories behind the bystander steps. Each step is covered and students are given examples about being an active bystander and helping prevent crimes in the community while keeping themselves safe.

The Residence Life department uses a programming model that requires programs addressing legally required topics, as well as social programs that offer opportunities for dialog relative to the topics. Floor meetings are held in each building to keep the students informed of events and other activities around the campus relating to these topics and much more.

The Student’s Responsibility

The cooperation and involvement of students in a campus safety program is absolutely necessary to the complete well-being of the college community. Students are expected to assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. Valuable items such as computers, iPods, Cell Phones, gaming consoles, cameras and televisions should be marked with engraving instruments provided by the New York State University Police Department at no charge. Students, faculty, staff and visitors to campus are encouraged to report potential criminal actions, suspicious behaviors or any emergencies to the New York State University Police by telephone or in person.

Security of and Access to Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. New York State University Police Officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Physical Plant Department for correction. Other members of the College community are helpful when they report similar problems to the University Police at SUNY Morrisville or the Physical Plant at (315) 684-6065.

Registered campus organizations, student government, and College departments may use College property for non-academic College-related programs, activities and functions, subject to appropriate use considerations and the availability of space. Each request is reviewed on an individual basis.

Residence hall buildings are locked 24 hours per day. Student ID cards are programmed through a swipe card system to allow access into their assigned Residence Hall only. For further security, Night hosts are stationed at the main entrance of each residence hall the following days and times: Sunday to Thursday 11 pm to 3 am and Friday and Saturday 12 am to 4 am. Night hosts are student staff who register guests of the residents into the building. Resident Assistants do hourly rounds equaling 5 rounds per night. Unless a more active weekend they do rounds more frequently. (Ex: mustang weekend).

Alcoholic Beverages

SUNY Morrisville, in compliance with the 1989 Drug-Free Schools and Community Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the academic success and health of all students. The sale, purchase, distribution, possession and/or use of illicit drugs or alcohol in violation of State and Federal law is a violation of college policy as well.

Students and their guests are not allowed to possess or consume alcoholic beverages on College property or property operated for the benefit of the College. Exception to this policy is granted to the Morrisville Auxiliary Corporation. Upon approval by the College President, Provost, or the Vice President of Student Affairs, alcohol may be served at College sponsored events or specifically approved student functions in locations such as the College restaurant (The Copper Turret). These functions must be serviced by the Auxiliary Corporation and operated in accordance with Federal, State and local laws under the license obtained by the Auxiliary Corporation.

Students are subject to all local and state laws concerning the use, possession, sale and transportation of alcoholic beverages. Students violating such laws may face civil, criminal and/or college disciplinary action.

Illegal Drugs

SUNY Morrisville, in compliance with the 1989 Drug-Free Schools and Community Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the academic success and the health of all students. The sale, purchase, distribution, possession and/or use of illicit drugs or alcohol in violation of State and Federal law is a violation of college policy as well.

Students and their guests are not allowed to possess, use, or sell narcotics or other illegal or dangerous substances on college property or property operated for the benefit of the college. Students are subject to all local and state laws concerning the use, possession, sale and transportation of illegal substances. Students violating such laws may face civil, criminal and/or college disciplinary action.

SUNY Morrisville is engaged in ongoing programming to educate and inform its students, concerning the use and abuse of substances. Student's involvement with illegal substances is a matter of concern for the college. The college does not condone the illegal use of substances, nor is it a sanctuary for those who use them.

Drug or Alcohol Abuse Programs

The College encourages students to seek assistance if they or a friend have alcohol or other drug-related problems or questions. Confidential assistance is available from the following resources:

College:

Student Health & Counseling Services Center: (315) 684-6078

Beyond College:

Madison County Council on Alcoholism: Substance Abuse (BRiDGES) – (315) 697-3947

Madison County Mental Health Dept. (ADAPT Program) – (315) 363-2327

Procedures for domestic violence, dating violence, sexual assault, or stalking incidents

Reports of domestic violence, dating violence, sexual assault, or stalking should be made to University Police located in Brooks Hall. Officers are trained to provide written information about evidence preservation, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the survivor chooses, as well as the option to decline to notify authorities. Survivors will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, on campus & off campus support services, or other available applicable options.

Evidence preservation: In order to best preserve evidence, survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

Reporting: Survivors can report to University Police at SUNY Morrisville, Brooks Hall, Morrisville, NY 13408, or by calling the University Police at SUNY Morrisville at (315) 684-6410.

Notifying Law Enforcement: Survivors have the right to notify other law enforcement agencies, and the campus can assist in notifying law enforcement if they so choose. Survivors may also choose to decline to notify authorities.

The survivors' personally identifiable information will be kept confidential and will maintain as confidential any accommodations or protective measures provided to the survivor so long as it does not impair the ability to provide such measures. Personally identifiable information about

victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics.

The College will provide written notification to survivors regarding rights and options, including: available campus and off-campus services such as victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance; available and applicable institutional disciplinary procedures, and an explanation of those procedures; confidentiality in protective measures and Clery reporting and disclosure; and reasonable and available options and assistance with changing academic, living, transportation, and working situations, regardless of whether they choose to report the crime to law enforcement.

No member of the college community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint, serves as a witness, or assists or participates in a proceeding in any manner. Participants who experience retaliation should report incidents promptly.

Students' Bill of Rights

The State University of New York and SUNY Morrisville are committed to providing options, support and assistance to victims/survivors of these crime and violations regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, or criminal convictions, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

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 from 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 institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be free from retaliation by the institution, 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;

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial conduct process of the institution.

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

I: Reporting:

- Resident Life Department in Crawford Hall, 1st floor, Morrisville, NY 13408, (315) 684-6043, or the Resident Assistants and Resident Hall Directors that reside in their residence hall.
- New York State University Police, SUNY Morrisville at: (315) 684-6410.
- Kacee Garner, Title IX Coordinator, Helyar Hall, SUNY Morrisville, Morrisville, NY 13408, (315) 684-6009, email: garnerka@morrisville.edu.
- Shannon Wiley, Office of Student Rights and Responsibilities, Helyar Hall, SUNY Morrisville, Morrisville, NY 13408, (315) 684-6070, email: wileysl@morrisville.edu.
- New York State Police Troop D-Morrisville at (315) 684-9550.
- Madison County Sheriff's at (315) 366-2311.

II- Resources:

- Survivors may access area resources by using the SUNY wide SAVR website at <https://www.suny.edu/violence-response/>
- Be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities;
- Have access to campus counseling;
- Be informed of and assisted in exercising:
 - Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy;
 - Any rights to preventive measures such as emergency contraception or HIV prophylaxis;
 - Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects;
- Be informed of the possible availability of crime victim assistance compensation through the New York State Crime Victims Board;

This is not an exhaustive list:

COMMUNITY RESOURCES	
SUNY Morrisville and Village of Morrisville	
Fire/Ambulance/Police	911
New York State University Police at SUNY Morrisville (non-emergency)	315-684-6410
Mathias Student Health & Counseling Service Center	315-684-6078
Community Memorial Hospital [Hamilton] Emergency Room	315-824-1956 315-824-1100

Title IX/Affirmative Action Officer	315-684-6075
Madison County	
Madison County Sheriff	315 366-2311
New York State Police: Troop D-Morrisville	315-684-9550
Domestic Violence Hotline	1-800-942-6906
Liberty Resources: Help Restore Hope/Sexual Assault 24-hr hotline (collect calls accepted)	315-366-5000

III- Protection and Accommodations:

- Be given notice describing options to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the SUNY Morrisville disciplinary process, or to pursue both processes simultaneously;
- Reports of sexual assault will be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported;
- Victims shall receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities;
- Victims shall receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault; the option to request No Contact Orders (e.g., Cease and Desist orders) be issued promptly and in writing to all parties to a reported sexual assault after the SUNY Morrisville receives notice of a complaint;
- Campus personnel shall take reasonable and necessary actions to prevent further unwanted contact by victims’ alleged assailants;
- Survivors shall be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available. The campus will promptly review existing interim measures or accommodation. The parties can submit evidence to support their request.

Institutional Disciplinary Procedures

The institutional disciplinary procedure for cases of domestic violence, dating violence, sexual assault, and stalking are the same for any other violation of the Student Code of Conduct. All proceedings must be prompt, fair, and impartial from initial investigation to final result. A proceeding is defined as “all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings or hearings.” The college will conduct a timely review of all complaints of domestic violence, dating violence, sexual assault, and stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. Extension of all deadlines and time requirements may be extended for good cause as determined by the Office of Student Rights and Responsibilities. Both the respondent and the complainant will be notified in writing of the delay, the reason for

the delay, and provided the date of the new deadline or event. An appeal of the results must be submitted within 5 days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within 5 days of the appeal proceeding. The burden of proof used in all cases is “the preponderance of the evidence.” Put another way, “whether it is more likely than not” that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

A student will receive written notification of the time and place of a hearing at least ten (10) days before the hearing, unless the student charged waives the 10-day minimum notification period. Whenever possible, written notification will be accomplished by personal delivery by a staff member. Methods of delivery may include one or more of the following: handing a notice to the student, delivery to the campus mailbox, E-mail as an attachment to the student’s college e-mail account. If a student cannot be found with reasonable diligence, delivery may be accomplished by sliding the notice under the door of the student’s on-campus room, or through the U.S. mail to the student’s off campus address. Phone calls, voice mail messages and fax transmissions are occasionally used to reinforce the notification process. These methods will be considered reasonable and sufficient methods of providing notification. Students are responsible for effectively monitoring their college e-mail account and mailbox. The Office of Student Rights and Responsibilities within 24-hours after the hearing concludes, or the next business day if the hearing concludes on a Friday, will communicate the findings to the accused parties and any College official who is determined to have a legitimate interest in the result. In cases involving sexual misconduct violations as well as dating violence, domestic violence, rape, and stalking, both the complainant and accused shall receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available, and any possible changes to the result that may occur before it becomes final.

Hearings shall be conducted by a judicial body according to the following guidelines:

- a) Hearings shall be closed to the public.
- b) Admission of any person to the hearing shall be at the discretion of the judicial body.
- c) In hearings involving more than one accused student, the judicial officer, at her/his discretion may permit the hearings concerning each student to be conducted separately.
- d) All parties have the right to be assisted by one advisor of their choice, at their own expense. (Ex: advisors may be a parent, attorney, etc.) Witnesses cannot act as advisors. The complainant and/or the accused student are responsible for presenting her/his own case. A student can quietly confer with their advisor during the hearing provided it does not interfere with the process. A student may request one 10-minute recess to speak with their advisor in private. Advisors may not actively participate in the hearing or interfere with the process. In cases that meet Title IX criteria, Advisors will conduct the cross-examination portion of the hearing. (If a party does not have an advisor, SUNY Morrisville will provide one for the cross-examination portion of the hearing. Parties can not conduct the cross examination themselves.) Should an advisor interfere after being warned, the board chair will direct the advisor to immediately leave the hearing room.
- e) Conduct meetings below the judicial board level may be conducted without an advisor.
- f) Students that require any accommodations for the hearing process should inform the judicial Officer immediately so that all reasonable attempts to meet the requested

accommodation can be made prior to the scheduling of the judicial hearing. (Ex: interpreter or language translator services for language barriers.)

- g) The complainant, the accused student, and the judicial body shall have the privilege of requesting witness participation and all are, subject to questioning by the judicial body. It is the student's responsibility to provide witness names and contact information to the judicial officer in writing at least 48 hours prior to the scheduled judicial hearing. It is the responsibility of the students to invite their witnesses to the hearing by providing them with the date, time, and location of the hearing.
- h) In all cases, the evidence in support of the charges shall be presented and considered. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by a judicial body at the discretion of the judicial body. All evidence must be submitted by all parties no later than 24 hours in advance of the scheduled judicial hearing.
- i) All procedural questions are subject to the final decision of the judicial body.
- j) After a hearing, the judicial body shall determine by majority vote, whether the student has violated the Student Code of Conduct as charged.
- k) The judicial body shall deliberate and reach its finding in closed executive session. The judicial body's determination shall be made on the basis of whether or not there is a preponderance of evidence which supports the finding of a violation, indicating that it is more likely than not that the accused student violated the Student Code of Conduct.
- l) All hearings, pre-hearing conferences, conduct meetings, and witness and party interviews may be audio recorded by the college judicial staff and maintained on a campus computer, server, or other storage medium consistent with retention practices for other documents in an investigation or conduct file. Only college judicial affairs staff may record the proceedings. No other recordings are permitted. Such recordings often contain personally identifiable and sensitive information about participants. Deliberations are not recorded. Judicial recordings shall be the exclusive property of the College. The Office of Student Rights and Responsibilities Office shall make arrangements for an accused student to have access to the recording for filing an appeal.
- m) If any party disrupts a hearing (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing, etc.), the presiding hearing officer has the right to remove the disruptive individual from the hearing after he or she fails to heed a warning. It is expected that all individuals in the hearing room will abide by the rules of decorum given at the start of the hearing. The hearing may continue in the absence of any removed party, or it may need to be rescheduled at the discretion of the Office of Student Rights and Responsibilities.
- n) If a student accused of violating College Policy fails to attend a scheduled hearing, the hearing may be held in the student's absence, and the student will be assumed to have entered a claim of Not Responsible to each charge, but forfeited her/his ability to present information or otherwise participate on her/his behalf. Findings and sanctions, if applicable, will be based on the evidence and not upon the accused student's failure to appear. If the judicial officer learns that the student's failure to appear is for good cause, the judicial officer may grant a new hearing. Otherwise, the decision of the hearing shall stand. Title IX cases will be heard according to the same absentia policy except SUNY Morrisville will provide an advisor to conduct the cross-examination portion of the

hearing. Failure of the accused student to respond to the Judicial Office's correspondence will not prevent adjudication of the incident.

- o) Except in the case of a student charged with failing to obey the summons of a judicial body or hearing officer, no student may be found to have violated another part of the Student Code of Conduct solely because the student failed to appear before the judicial body. Upon receiving notification of the scheduled hearing date and time, the accused student or the claimant may request a one-time delay no later than 48 hours prior to the hearing.
- p) An accused student who withdraws from the college shall not be exempt from the disciplinary process for violations which took place prior to withdrawal. The judicial process may be initiated regardless of a student's current enrollment status. This includes conduct which occurs before classes begin or after classes end as well as during the academic year and during periods between terms of actual enrollment. A hold may be placed on the student's account while the disciplinary review is pending. If a student leaves or attempts to withdraw from the College, the College may still proceed with disciplinary action. Should suspension or expulsion take place following the disciplinary process, these sanctions supersede a withdrawal from the College. Please note that disciplinary expulsions or suspensions result in 100% liability for all semester charges.
- q) Sanctions commence and terminate as specified by the assigning judicial body. The judicial body has flexibility to determine when the sanction is to begin and end within reason. Students who are separated (temporarily suspended, suspended for a period of time, or expelled permanently) from the College through the college judicial process have lost their student status for the time specified, unless their student status is restored through the college judicial process. Separated students are not permitted to attend classes, build their co-curricular transcript, travel on any college related trips, participate in intercollegiate athletics or intramurals, and to attend any events held on college property or property operated for the benefit of the college. While students who are separated by the college judicial process may be eligible to transfer earned credits to another institution, they are not permitted to complete coursework or transfer credits back to Morrisville State. At the discretion of the assigning college judicial body, separated students who are eligible to receive earned credits at the time of separation, may be permitted to complete coursework and/or receive earned credits. Separated students are not permitted to transfer credits back to SUNY Morrisville. Should a student who has completed degree requirements be charged with a violation of the Student Code of Conduct prior to commencement or the conferral of the degree, they are ineligible to graduate until the college judicial process is completed. In Title IX cases, a transcript notation will be placed on the students record as per the Title IX rules and regulations.

Location of Registered Sex Offender Information

The State of New York requires sex offenders to register with the Police Department or Sheriff's Department in the jurisdiction in which they reside. The State makes this information available to law enforcement agencies. This information is available to the public at the local police department. For information on sex offender registration go to www.criminaljustice.ny.gov or contact the University Police at SUNY Morrisville located in Brooks Hall or call (315) 684-6410.

APPENDIX A-Definitions

Affirmative Consent - 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.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Burden of proof in all cases is “the preponderance of the evidence” – whether it is more likely than not that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

Sexual assault - New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent in New York State (17 years is the age of consent in New York State.)

Sexual harassment - Unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive to effectively alter or deny the individual reasonable access to

University resources or that such conduct creates an intimidating, hostile or sexually offensive environment for learning, working or living on campus.

Aggravated assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary - The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Crime - An act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law.

Criminal Offense - An infraction of law.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of victim, by a person with whom the victim shares a child in common, by a person who is cohabitation with or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

Drug Abuse Violations - Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (ex: morphine, heroin, codeine); marijuana; synthetic narcotics (ex: Demerol, methadone); and dangerous nonnarcotic drugs (ex: barbiturates, Benzedrine).

Hate Crimes - A hate crime, also known as a bias crime, is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Larceny – Theft – The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Liquor Law Violations - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to

commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

Non-campus - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the school that is used in direct support of or in relation to the institution's education purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

On-campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Simple Assault – Unlawful physical assaults by one person upon another where no weapon is displayed by the offender, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or that would make a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

Weapons Possession - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.