

# The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

## SUNY EMPIRE STATE UNIVERSITY ANNUAL SAFETY AND SECURITY REPORT

### Crime reporting for calendar year 2023

#### **FOREWORD**

This report is filed as required by the federal Crime Awareness and Campus Security Act (“Campus Safety Act”). The purpose of this report is to provide SUNY EMPIRE faculty, staff, students, and visitors with campus safety information including crime statistics and crime reporting procedures. The Annual Security Report contains the annual notice for the Drug Free Schools and Campuses.

SUNY EMPIRE was established in 1971 and provides education to more than 18,000 students. There are approximately 21 locations throughout New York State and seven countries. SUNY EMPIRE provides online and face-to-face classes. The university offers associates, bachelor’s and master’s degrees.

SUNY EMPIRE’S continuing efforts on safety & security has led to the implementation of several safety initiatives such as additional cameras, workforce training and increased awareness and monitoring of SUNY EMPIRE properties.

In an attempt to protect the SUNY EMPIRE community, Safety & Security has updates and developed several policies, in addition to the university’s initial Emergency Operations Plan. They can be found at [www.sunyempire.edu/policies](http://www.sunyempire.edu/policies). Although these policies provide general guidance, along with response procedures to various situations, they do not eliminate every danger. Each member of the SUNY EMPIRE community is encouraged to utilize common sense and to take proactive steps in regard to their personal safety, in addition to the safety of others in the university community. If placed in an emergency situation, contact the local 911 center. For all other non-emergency matters, please contact Safety & Security at 518-587-2100 Ext. 2900.

The Office of Safety & Security will continue to monitor societal trends, in addition to university safety issues in an attempt to provide the broadest overall safety and wellness to the entire SUNY EMPIRE community.

Sincerely,

Mark J. Spain  
Director of Emergency Management and Public Safety

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**I. CONTACT INFORMATION**

**SUNY EMPIRE  
Office of Safety & Security  
2 Union Ave.  
518-587-2100 Ext. 2900**

**Emergencies  
Dial 911**

**Saratoga Fire, Police and Ambulance  
(Non-Emergency) 518-584-1800**

[www.sunyempire.edu/northeast-new-york/locations/saratoga-springs/](http://www.sunyempire.edu/northeast-new-york/locations/saratoga-springs/)

**SUNY EMPIRE Offices  
2 Union Ave., Saratoga Springs, NY 12866**  
Office of Human Resources – 518-587-2100 Ext. 2240  
Office of Administration – 518-587-2100 Ext. 2233  
Office of Academic Affairs – 518-587-2100 Ext. 2263  
Office of Strategic Communications – 518-587-2100 Ext. 2494

## Additional Resources

New York State Domestic Violence Hotline – 800-942-6906

<http://www.nyscadv.org/>

<http://www.dvr Sarasatoga.org/victim-services/>

## II. CRIME DEFINITIONS

### A. Clery Offenses (Federal Offense Definitions)

- *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 serious physical injury.
- *Arson*: Any willful or malicious burning or attempt to burn a dwelling, public building, motor vehicle, aircraft, or personal.
- *Burglary*: The unlawful entry into a building or dwelling with the intent to commit a crime therein.
- *Crime or a public offense*: An act committed or omitted in violation of a law forbidding or commanding it upon conviction, either of the following punishments – death, imprisonment, fine, removal from office, or disqualification to maintain any office of honor, trust or profit in this state.
- *Domestic violence*: Violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- *Dating violence*: Violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type and frequency of interaction.
- *Drug abuse*: Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- *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 incapacity.
- *Hate crime*: Any act of intimidation, harassment, physical force or the threat of physical force directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise of enjoyment of any rights or privileges secured by the Constitution of the United States or the State of New York whether or not performed under the color of law (Source – Definitions Used in Hate Crimes Reporting, P.O.S.T. Hate Crimes Student Workbook, January 1992 p. 2).
- *Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Larceny*: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- *Liquor-law violation*: Violations of laws or ordinances prohibiting the manufacture, purchase, transportation, possession, or use of alcoholic beverages.
- *Murder and non-negligent Manslaughter*: The willful (non-negligent) killing of one human being by another.
- *Manslaughter*: The killing of another person through recklessness or negligence.
- *Rape*: The penetration, however 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.

- *Robbery*: The taking or attempting to take any property from the care, custody, or control of a person or persons by force or threat of force or violence and/or by placing the victim in fear.
- *Sex offenses*: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- *Stalking*: A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety or to suffer substantial emotional distress.
- *Statutory Rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- *Vehicle Theft*: The theft or attempted theft of a motor vehicle.
- *Weapons*: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## **B. New York State Law Definitions**

Violence against women act specific definitions: The Violence Against Women Act and its proposed regulations require the inclusion of certain New York State definitions in a campus' Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: affirmative consent, dating violence, domestic violence, sexual assault and stalking.

**AFFIRMATIVE CONSENT**: Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given in 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 with any party does not necessarily 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 withdrawn at any time.
- Consent cannot be given when a person is incapacitated (i.e., when he or she lacks the ability to knowingly choose to participate in sexual activity). Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given under conditions of coercion, intimidation, force, or threat of harm.
- When consent is withdrawn, or can no longer be given, sexual activity must stop.

**DATING VIOLENCE**: New York State does not specifically define "dating violence." However, under New York State Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

**DOMESTIC VIOLENCE**: An act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching of blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person, or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

**FAMILY OR HOUSEHOLD MEMBER**: Person's related by consanguinity or affinity, persons legally married to one another, person formerly married to one another regardless of whether they still reside in the same household, persons who have a child in common regardless of whether such persons are married or have lived together at any time, unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at

regular intervals lived in the same household, persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature, the frequency of interaction between the persons and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship.” Any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.

PARENT: Means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

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 Uniform Crime Reporting program.

SEX OFFENSES - LACK OF CONSENT: 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.

SEXUAL MISCONDUCT: When a person engages in sexual intercourse with another person without such person’s consent, or a person engages in oral sexual conduct or anal sexual conduct without such person’s consent, or a person engages in sexual conduct with an animal or a dead human body.

RAPE IN THE THIRD DEGREE: When a person engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old, being 21 years old or more, engages in sexual intercourse with another person less than 17 years old, or 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 SECOND DEGREE: When a person being 18 years old or more, engages in sexual intercourse with another person less than 15 years old, or engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than 4 years older than the victim at the time of the act.

RAPE IN THE FIRST DEGREE: When a person engages in sexual intercourse with another person by forcible compulsion, or who is incapable of consent by reason of being physically helpless, or who is less than 11 years old, or who is less than 13 years old, and the actor is 18 years old or more.

CRIMINAL SEXUAL ACT IN THE THIRD DEGREE: When a person engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old, being 21 years old or more, with a person less than 17 years old, or 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 SECOND DEGREE: When a person engages in oral or anal sexual conduct with another person and is 18 years or more and the other person is less than 15 years old or who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than 4 years older than the victim at the time of the act.

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE: When a person engages in oral or anal sexual conduct with another person by forcible compulsion, or who is incapable of consent by reason of being physically helpless, or who is less than 11 years old, or who is less than 13 years old and the actor is 18 years old or more.

FORCIBLE TOUCHING: When a 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. It includes squeezing, grabbing or pinching.

PERSISTENT SEXUAL ABUSE: When a person commits a crime of forcible touching, or second- or third-degree sexual abuse within the previous 10-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one or more of the above-mentioned crimes or any offense defined in this article of which the commission or attempted commissions thereof is a felony.



SEXUAL ABUSE IN THE THIRD DEGREE: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old, or such other person was more than 14 years old, or the defendant was less than 5 years older than such other person.

SEXUAL ABUSE IN THE SECOND DEGREE: When a person subjects another person to sexual contact and when such other person is incapable of consent by reason of some factor other than being less than 17 years old, or less than 14 years old.

SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact by forcible compulsion, or when the other person is incapable of consent by reason of being physically helpless, or when the other person is less than 11 years old, or when the other person is less than 13 years old.

AGGRAVATED SEXUAL ABUSE: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE: When a person 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 17 years old, or finger in the vagina, urethra, penis, rectum or anus 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 17 years old.

AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person by forcible compulsion, or when the other person is incapable of consent by reason of being physically helpless, or when the other person is less than 11 years old or causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by forcible compulsion, or when the other person is incapable of consent by reason of being physically helpless, or when the other person is less than 11 years old.

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact by forcible compulsion, or when the other person is incapable of consent by reason of being physically helpless, or when the other person is less than 11 years old, or when the other person is less than 13 years old, and the actor is 21 years old.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE: When over a period of time, not less than three months, a person engages in two or more acts of sexual conduct with a child less than 11 years old, or being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE: When a person over a period of time, not less than three months in duration, a person engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old, or being 18 years old or more 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 13 years old.

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 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 commits or attempts to commit such conduct constituting a felony defined in this article.

INCEST IN THE THIRD DEGREE: A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

**INCEST IN THE SECOND DEGREE:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

**INCEST IN THE FIRST DEGREE:** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew, or niece.

**STALKING IN THE FOURTH DEGREE:** 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 material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted, or causes material harm to the mental or emotional health of such person, where such conduct consists of following, phoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted and the actor was previously clearly informed to cease that conduct, or is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, phoning or initiating communication or contact at such person's place of employment or business and the actor was previously clearly informed to cease that conduct.

**STALKING IN THE THIRD DEGREE:** When a person commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted. or commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense, or with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family, or commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**STALKING IN THE SECOND DEGREE:** When a person commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: displays, or possesses and threatens the use of a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapons, or displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm, or commits the crime of stalking in the third against any person and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense, or commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree. or being 21 years of age or older, repeatedly follows a person under the age of 14 or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of 14 in reasonable fear of physical injury, serious physical injury or death, or commits the crime of stalking in the third degree against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

**STALKING IN THE FIRST DEGREE:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

### **III. OFFICE OF PUBLIC SAFETY**

SUNY EMPIRE'S Office of Public Safety serves as an administrative oversight for security operations and is located in Saratoga Springs. The office works closely with law enforcement agencies and first responders throughout New York State to ensure a safe, secure and conducive learning environment for students and a professional work environment for faculty and staff.

The university's goal is to provide a safe and secure environment for faculty, staff, students and visitors. However, increased safety is obtained when the entire university community takes an active role in this effort.

The purpose of this publication is to:

- Provide an overview of the Office of Public Safety.
- Share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- Inform current and prospective students, staff and visitors about the policies and programs designed.
- Provide information regarding emergency preparedness and planning.
- Distribute public information regarding fire safety and fire-related information.

#### **IV. UNIVERSITY LAW ENFORCEMENT**

SUNY EMPIRE'S Office of Public Safety works in conjunction with local law enforcement and individual facility management at various locations. Safety & Security focuses on the overall safety of the university community. The office is staffed during business hours and does not provide 24/7 coverage. The office works cooperatively with law enforcement agencies having jurisdiction at each SUNY EMPIRE location and has forged Memorandums of Understanding for the investigation of crimes. Safety & Security is not a law enforcement agency.

While Public Safety has developed policies and procedures to assist in the protection of faculty, staff and student possessions, it is the primarily responsibility of each member of the university community to provide for his or her own personal safety.

#### **V. THE JEANNE CLERY ACT**

##### **The Crime Awareness and Campus Security Act of 1990**

##### **A. Clery Campus Crime Statistics**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the federal law, originally known as the Campus Security Act that requires university and universities throughout the United States to disclose information about crime on and near their campuses. The Clery Act also requires reporting crimes on public property not owned or controlled by the university. SUNY EMPIRE is a non-residential university.

University and universities are required to publish an annual report that contains three years of campus crime statistics and specific security policy statements including sexual assault policies that assure basic victims' rights, the law enforcement authority or campus police and where students should report crimes. The report is made available to all current students and employees. Prospective students and employees are to be notified of its existence and given an opportunity to request a copy. Safety & Security will distribute the annual crime statistics and report by Oct. 1 of each calendar year.

The "Annual Safety and Security Report" includes:

- Statistics for on-campus murders, rapes, robberies, aggravated assaults, burglaries, motor vehicle thefts, bias-related crimes and arrests for weapons possessions and liquor and drug abuse violations.
- Policies regarding security, access to university facilities and university law enforcement.
- Procedures for reporting crimes and other emergencies.
- Information on university sexual assault and rape awareness programs, procedures to follow when a sex offense occurs, disciplinary action procedures, counseling opportunities and notification to students that SUNY EMPIRE will make reasonable changes to a victim's academic situation upon the victim's request.
- Policies on the use, possession and sale of alcoholic beverages and illegal drugs.
- A description of SUNY EMPIRE programs informing the campus community about alcohol and drug abuse education, crime prevention and campus security practices.
- Sex offender registry information. New York State Sex Offender Registry and New York State Sex Offender Registry home page at [www.criminaljustice.ny.gov/](http://www.criminaljustice.ny.gov/) or 800-262-3257.
- Procedures for emergency response, emergency communications and emergency evacuation procedures.

## **B. Geographic Locations Used Under the Clery Act**

- *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, including residence halls and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as food or other retail vendor).
- *Non-Campus Building or Property:* 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 an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
- *On Public Property:* All public property, including thoroughfares, streets, sidewalks and parking facilities, within the campus, or immediately adjacent to and accessible from the campus.

## **C. Public Safety – Our Responsibility**

The Office of Safety & Security is responsible for compiling and disseminating the Campus Safety Report annually as required by the Federal Student Right-to-Know Law and Campus Security Act, which was enacted in November 1990. The purpose of this report is to provide SUNY EMPIRE faculty, staff, students and prospective students with campus safety information including crime statistics and procedures to follow in order to report a crime. Title II of this act was known as the Crime Awareness and Campus Security Act, which was amended and renamed in 1998 to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act mandates that institutions receiving Title IV federal funds disseminate crime statistics for specific offenses that occurred on campus and in adjacent areas for the current reporting year and previous two calendar years.

### **Definitions**

- 1) The Office of Safety & Security annually requests information from any and all law enforcement agencies with geographical jurisdiction over any SUNY EMPIRE location regarding criminal activity reported to those agencies. The information requested outlines crimes reported to the agencies that occurred on or near a SUNY EMPIRE location or involved members of the university community.
- 2) The report reflects crimes outlined under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- 3) The Office of Safety & Security compiles data as outlined under the Clery Act and makes them available annually to the university community. Upon request, the Clery Report shall be provided to students and employees.
- 4) Data from each year's report is maintained for a period of seven years.

## **D. New York State Campus Safety Act Compliance Statement**

SUNY EMPIRE recognizes the importance of campus safety and investigating crime. SUNY EMPIRE adheres to formal plans that provide for the investigation of missing students and violent felony offenses committed on campus. Memorandums of Understanding with the Saratoga Springs, Brighton and Suffolk County Police Departments address this issue.

This law was created due to the 1998 disappearance of Suzanne Lyall from the State University of New York at Albany. The reforms in the law acknowledge that improving campus safety must begin with swift and efficient investigative action and optimum access to missing person information by student's families and the public. The act:

- Requires all public, private, community university and universities in New York to have formal plans that provide for the investigation of missing students and violent felony offenses committed on campus.
- Expands the responsibilities of the NYS Division of Criminal Justice Services (DCJS) Missing and Exploited Children Clearinghouse to provide assistance with the dissemination of information about missing university students.

## **E. Investigations of Missing Persons**

### **SUNY EMPIRE Missing Person's Compliance Statement**

A "missing student" or "missing person" means any student of SUNY EMPIRE subject to provisions of section 355 (17) of the New York State Education Law. SUNY EMPIRE does not operate or employ residence halls. Therefore, any and all persons reported missing to SUNY EMPIRE, or Safety & Security will be reported to the law enforcement agency with geographical authority in that area. In 2003, President George W. Bush signed "Suzanne's Law," requiring police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing, as part of the national "Amber Alert" bill.

### **F. Memorandums of Understanding**

SUNY EMPIRE, in accordance with the provisions of Procedure 3650, dated July 1, 2004, set forth by the State University of New York, Campus Conduct and Other University Property Used for Educational Purposes and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f), Crime Awareness and Campus Security Act of 1990, developed Memorandums of Understandings with the Saratoga Springs, Brighton and Suffolk County Police Departments to address enforcement of laws at the university, to assist in the reporting of missing persons and investigate and respond to violent felony crimes listed in Article 70 of the New York Penal Law.

## **VI. CRIMINAL AND INCIDENT REPORTING**

### **A. Criminal Offense**

Individuals who are victims of a crime at or near a university facility have the responsibility to report such acts to local police, university officials/campus security, or Safety & Security. If the incident is an immediate threat to health, life, or safety, contact the 911 center in that area. Emergency contact information for local police is located on the university Public Safety website. During normal business hours, university officials will be available to assist victims and witnesses in reporting incidents to police. Criminal offenses occurring outside of normal business hours should be reported directly to local law enforcement.

### **B. Incident Reporting Procedure**

#### **SUNY EMPIRE Criminal Incident Reporting Procedures**

##### **Purpose**

Establish guidelines to assist the university community with the reporting of incidents that may occur to faculty, staff, students, and visitors. SUNY EMPIRE is regulated by statute to report specific criminal incidents that have direct correlation to the university. The guidelines that follow will assist individuals in reporting incidents.

##### **Definitions**

**Incidents:** An incident is an offense (violation, misdemeanor, or felony), emergency or occurrence that is immediately dangerous to life, health, or the University as a whole that occurs or may occur at an Empire State University location.

**Incident Report:** An incident report is an official report taken by an Empire State University employee documenting information about an incident as defined above. A police agency report may serve as an official incident report under this definition.

##### **Statements**

All university staff, faculty and students are asked to assist in making the University a safe place by being alert to suspicious situations or persons and reporting them as outlined below.

If you witness, are the victim of, or are involved in any on-campus violation of the law such as assault, robbery, theft or sex offense, contact the local police agency (911) and follow their directions.

In addition, the individual should immediately report the incident to the Office of Safety & Security who will inform additional university employees, as applicable.

Offenses or incidents of a lesser nature including, but not limited to: property crimes and larceny shall be immediately reported to the Office of Safety & Security who will inform additional university employees, as applicable.

If an individual notices a person(s) acting suspiciously at a Saratoga location, she/he should contact the Office of Public Safety at 518-587-2100-ext. 2900 or the local police agency (911), based on the situation. In all other locations, individuals should contact the local police agency (911).

Incidents requiring medical attention should be reported to local emergency 911 center. In addition, the individual should immediately report the incident to the Office of Safety & Security at 518-587-2100 ext. 2800 who will inform additional university employees, as applicable. The Office of Public Safety will complete an incident report.

All Empire State University locations on other SUNY University campuses are required to adhere to that respective University emergency notification protocols.

If an Empire State University employee is made aware of a non-emergent incident that occurred on another SUNY university campus, the Office of Public Safety shall be notified at 518-587-2100 ext. 2900.

In the event of a critical incident or violent criminal act, Empire State University, in conjunction and communication with local law enforcement will, in accordance with the Jeanne Clery Act (34 CFR 668.46(e)), issue a “timely warning” as directed by the Empire State University Timely Warning Policy.

### **Identification of University Campus Security Authorities**

As required under, (34 CFR 668.46a), the University must designate certain administrative personnel as “University Security Authorities” (CSA) in accordance with the Clery Act. A CSA must report to the appropriate law enforcement personnel any allegations of Clery Act crimes that are “made in good faith.” A CSA must report the statistics regardless of whether the victim wants to speak to the police. The Office of Human Resources provides training to CSA’s annually to notify them of their status and explain what is expected of them.

The following persons are recognized as University Security Authorities. The Office of Human Resources maintains an updated list of individuals.

- President’s Council members
- Vice Presidents
- Associate Vice Presidents
- Assistant Vice Presidents
- Provost’s Council members
- Provost
- Vice Provosts

- Deans
- Associate Deans
- Department Chairs
- Programs Chairs
- Chief Diversity Officer
- Financial Aid professionals/employees
- Student Accounts professionals/employees
- Student Information Center (SIC) professionals/employees
- Student Success and Development Coordinators (SSDC)
- Academic Support professionals/employees
- Library professionals/employees
- Student Life professionals/employees
- Accessibility Resources and Services professionals/employees
- Office of Enrollment Management (OEM) professionals/employees
- Student Academic Services (SAS) professionals/employees
- Office of the Registrar professionals/employees
- Mentors - all faculty

### **C. Protection and Confidentiality**

Nothing in this report permits the university, employee, or agent of the university, participating in any program under this title to retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual with respect to the implementation of any provision of this document.

SUNY EMPIRE students, faculty and staff shall report all criminal activity they observe at the university. The report of the criminal activity may be anonymous.

### **Policy for Preparing and Reporting the Annual Disclosure of Crime Statistics**

Public Safety, in conjunction with the Office of Academic Affairs, Office of Administration and local law enforcement agencies, prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation.

Campus crime, arrest and referral statistics include those reported to Safety & Security and designated campus officials including Office of Administration, Office of Academic Affairs, Office of the President, Office of Human Resource, academic deans, executive directors and local law enforcement. Crimes are reported that occur on campus, on locations that are contiguous to the campus and buildings or properties that are either owned or controlled by a campus affiliated entity.

University policy encourages every member of the campus community to report a crime promptly. Information is available and is provided to individuals in reference to voluntary confidential reporting procedures in the event a person does not want to pursue action either within the federal or state criminal justice system or within the university's discipline system.

The campus security authority, upon receiving notification of a criminal incident committed on university property, will make every reasonable effort to verify the circumstances and enter information into the appropriate database. These crime statistics will be published as part of the SUNY EMPIRE Annual Security Report. The campus security authority will annually inform Safety & Security regarding crime statistics reported to them for the previous calendar year. Data received from local law enforcement is compared to the university's internal database to ensure accurate reporting.

An annual notification is made to all enrolled students, faculty and staff that lists the website containing this report. Copies of the report may be found at the Safety & Security office located at 2 Union Ave., Saratoga Springs NY 12866. All prospective students may obtain a copy by calling Safety & Security, the undergraduate or graduate admissions office, or by visiting the website at [www.sunyempire.edu/SafetyandSecurityAnnualReport](http://www.sunyempire.edu/SafetyandSecurityAnnualReport)

All prospective employees may obtain a copy by contacting Safety & Security or by visiting the above website.

NOTE: the federal Clery Act may define a particular crime differently than it is defined in the New York State Penal Law. For purposes of this report, the Clery Act definitions of crimes are listed.

#### **D. Daily Crime Log**

In accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, SUNY EMPIRE maintains a “daily crime log.” The information contained in this log identifies incidents and or crimes reported to Safety & Security. The information contained in this log identifies the nature of the crime reported to security or law enforcement, dates and times the incident was reported and occurred, the general location of the incident or crime and the disposition of the complaint, if known. The crime log is available for public viewing during normal business hours at the Safety & Security office in Saratoga Springs. The log may also be viewed at one of our regional locations, upon request through the regional operations coordinator, or executive director of regional operations office. The most recent 60-day period is open to public inspection, upon request.

### **VII. TIMELY WARNING PROCEDURES**

#### **A. Timely Warnings and Emergency Notifications**

Any emergency where the health and/or human safety at SUNY EMPIRE is in question may constitute an “emergency.” Some examples include:

- *Bomb threat* – based on credible information that indicates a threat.
- *Civil disturbance* – disruption of normal university activities by a group of people.
- *Fire* – fire to building(s), wildfires, local community, or industry that may endanger university students, faculty, staff, or property.
- *Hazardous material* – dangerous material that is chemical, biological, or nuclear spreading from a contained area.
- *Major road closing/incident* – unanticipated event that would disrupt safe passage to and from university properties.
- *Medical emergency* – pandemic or an event with the potential of serious infection or mass casualties.
- *Personal safety* – situations that include use of weapons, violence, offenders’ at large, active shooter, hostage situation, or missing persons. Any situation, on or off the university community that constitutes an ongoing or continuing threat to persons or property.
- *Suspicious package* – reasonable belief that a package may contain chemical, biological, explosive, radiological, or nuclear substance that would cause harm to persons or property.
- *Utility failure* – a major disruption or damage to utilities including gas, electrical, or water.
- *Weather* – severe weather conditions to include flooding, snow/ice/cold, thunderstorm, wind, tornado, or hurricane.
- *Natural disasters* – such as earthquakes.

#### **Methods of Communication**

##### **For Safety Related Issues**

Notification decisions will be made by the Office of the President, in conjunction with Safety & Security and the Vice President of Strategic Communications.

##### **For General Notifications**

- Email to all students and/or faculty/staff affected.
- Postings in university facilities and on campus as applicable. Postings can be emailed as attachments to various offices as indicated below.
- Delivery of hard-copy notification to all university offices.
- SUNY EMPIRE Alert System ([alert.sunyempire.edu](mailto:alert.sunyempire.edu)) in the case of a critical university wide emergency.



- Posting of notifications on the Safety & Security website.
- Text messaging, if applicable.
- Social media sites, if applicable.
- Post to MySUNYempire.edu and SUNY Empire News.

#### **For Non-Life-Threatening Health Related Issues**

- Letters to students, faculty and staff.
- Posting of notification on the university website at [www.sunyempire.edu](http://www.sunyempire.edu)

#### **Procedure to Follow**

For information that is believed to be of interest or concern to the entire university community, the Executive Vice President for Administration and Chief Operating Officer, in conjunction with Safety & Security and the Vice President of Strategic Communications will notify the Office of the President in advance of sending a university wide notification.

#### **Timely Warning and Emergency Notifications**

SUNY EMPIRE will issue a timely warning or emergency notification for specific university locations or university wide, depending on the circumstances. Whenever a crime is reported to Safety & Security, or a local police agency that represents a serious or continuing threat to students and employees, a timely warning or emergency notification will be sent to the affected community.

Emergency Notifications will be issued, when the university is made aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees at a specific university location. Emergency notifications may be targeted at the segment or segments of the university community at risk. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond, or otherwise mitigate the emergency.

The Executive Vice President for Administration and Chief Operating Officer/designee, in conjunction with the Director of Public Safety and/or other university and non-university officials, will confirm the existence of an emergency that may warrant a timely warning notification and determine the extent of the notification, as required. In addition to criminal incidents, emergency notifications may be issued in situations such as:

#### **Safety Related Issues**

- An incident that occurs in close proximity to any of the university campuses that may affect the personal safety and security of students, faculty and staff.

#### **Health Related Issues**

- A member of the university community is diagnosed with a serious or life threatening communicable/infectious disease.
- Evidence of bio terrorism.

#### **B. Emergency Preparedness, Response and Evacuation Procedures**

In the event of an ongoing or continuing threat to the campus community, a university wide timely warning may be issued.

#### **Emergency Management Plan Synopsis**

The Emergency Operations Plan is designed to outline a plan of action so that emergencies can be handled immediately and in an organized manner. The intention of the Emergency Operations Plan is to create a framework that will allow an immediate response to an emergency.

The Emergency Operations Plan is the result of the recognition by university officials that there is a responsibility to manage emergency and disaster situations on campus and coordinate with all public safety and local government officials. The university recognized that a comprehensive Emergency Operations Plan was needed which is compliant with HSPD-5, including the National Incident Management Systems (NIMS). The Emergency Operations Plan must be consistent with county and state plans.

The Emergency Operations Plan designates Safety & Security and local law enforcement as the initial contact for reporting all emergency situations and as the central point of communication during the response and resolution of all emergencies.

The Emergency Operations Plan is designed to preserve life and property, minimize danger, restore normal operations to SUNY EMPIRE and assure responsive communications with the university community and surrounding areas.

The Emergency Operations Plan is initiated during specific emergencies that require the mobilization of various resources.

The Emergency Operations Plan is designed to be flexible and accommodate contingencies of all types.

SUNY EMPIRE'S Emergency Operations Plan may be implemented whenever an emergency disrupts operations, threatens life, creates major damage, or occurs within the university community.

### **SUNY EMPIRE Emergency Alert System**

The university's Emergency Alert System provides emergency and timely notification broadcasts to multiple channels including email, text message and RSS (displayed on university websites). All active students and employees are automatically enrolled in the system. If individuals request to be notified via text message, or additional email addresses or devices, they should add their information to their account at <http://alert.sunyempire.edu>. Because emergency and timely notifications are a public safety obligation, the university cannot allow anyone to opt out. For more information about the Emergency Alert System, visit [www.sunyempire.edu/safety-security/sunyempire-alert](http://www.sunyempire.edu/safety-security/sunyempire-alert)

### **SUNY EMPIRE Locations on other SUNY or Community University Campuses**

- SUNY EMPIRE locations located on a SUNY university campus are required to adhere to that respective university's emergency notification system, when applicable.

## **VIII. BUILDING SECURITY**

### **A. Access to Facilities and Security of Buildings**

Most university locations are open to the public during normal business hours. After hours and during periods when classes are not in session, university buildings are generally locked. A security access card system is utilized at various locations. Faculty, staff, and designated students are issued Entry Access Items to gain entry into buildings. Individuals assigned Entry Access Items are responsible for reporting them missing, lost and/or stolen. Additionally, other monitoring devices have been employed to assist with the overall safety of the university community. SUNY EMPIRE utilizes various facilities statewide. Security at each university location may vary slightly depending on existing infrastructure and lease/property agreements. Specific questions should be directed to Safety & Security.

### **B. Campus Facilities**

Campus buildings are accessible to members of the campus community and the public during normal business hours.

*Note: The university operates various locations after normal business hours for the purposes of the university mission.*

*The executive director of regional operations has discretion to operate outside of normal business hours.*

### **C. Security and Access to Campus Facilities Policy Statement**

All procedures follow the following principles:

- *Normal business hours:* 8 a.m. to 5 p.m., Monday through Friday. Main entrances to facilities will be open and auxiliary entrances shall remain secured unless otherwise authorized. Buildings that host after-hour events or provide student instructional services may opt to have entrance times vary. The office manager and executive director of the location are responsible for variances in times.
- *Holidays and other university closings:* All facilities will be closed and secured during state (collectively bargained) holidays.
- *Special considerations:* SUNY EMPIRE hosts various functions. When a facility remains open the receptionist area of the main entrance will be staffed, when possible.

## **Visitors and Vendors**

All visitors are required to utilize the main entrance to buildings unless directed otherwise. They are required to sign-in at the receptionist desk via iPad utilizing the ENVOY application. This application allows SUNY Empire to email the meeting host or employee that their guest has arrived as well as allow employees to notify the application that visitors will be arriving. The sign-in / sign-out feature also allows for use in Contact Tracing for possible COVID-19 exposure cases.

Employees who organize meetings and events after normal working hours are responsible for the facility while the meeting is in session and for ensuring that the building is secured upon exit.

## **Entry Access Control and Security System**

The purpose of the Entry Access Control and Security System is:

- To comply with university wide crime prevention and control objectives.
- To improve the security of buildings throughout the university.
- To provide a mechanism to aid in Contact Tracing for COVID-19.
- To enable the university to safeguard the work facilities.
- To simplify locking policies.
- To eliminate key duplication.
- To eliminate unauthorized access.
- To satisfy security concerns of students, faculty and staff.

## **Physical Maintenance of Facilities**

The overall maintenance of locations in Saratoga Springs is conducted through the Office of Administration and Facilities. Deficiencies found at Saratoga Springs locations are to be reported to Facilities at 518-587-2100 Ext. 2925. Periodic safety inspections are conducted by the Office of Safety & Security, in conjunction with the Office of Facilities.

Physical deficiencies or hazards found or identified at other SUNY EMPIRE locations must be reported directly to the executive director of regional operations or regional operations coordinator. The deficiencies are corrected by the individual maintenance companies or property owners of that respective site. However, any emergency hazard or deficiency should be reported to the Office of Safety & Security at 518-587-2100 Ext. 2800.

## **IX. SECURITY PROGRAMS**

### **A. Crime Prevention Programs**

The university provides specialized trainings and crime prevention programs primarily for faculty and staff. No formal crime prevention programs for students exists at this time, however, security prevention links are listed on the website ([www.sunyempire.edu](http://www.sunyempire.edu)).

SUNY EMPIRE is a nonresidential university. The Office of Safety & Security website ([www.sunyempire.edu/safety-security](http://www.sunyempire.edu/safety-security)) has links to local police agencies across New York State.

All employees are advised of building security procedures, personal safety awareness and workplace/domestic violence programs upon appointment to the university.

Annual notification regarding specific policies and procedures can be found within this document. Specific policy information regarding Workplace Violence and Domestic Violence may be located at [www.sunyempire.edu/safety-security](http://www.sunyempire.edu/safety-security).

## **B. Off-Campus Criminal Activity**

The Office of Safety & Security works collaboratively with local law enforcement to identify crimes or incidents that occur on or near university facilities. All events conducted in conjunction with SUNY EMPIRE are considered university events and must adhere to the policies regarding conduct.

## **X. CAMPUS SEX CRIMES PREVENTION ACT OF 2000**

The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. It requires sex offenders to provide notice of each institution of higher education in that state in which that person is employed, carries on a vocation, or is a student. The Campus Sex Crimes Prevention Act of 2000 amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Visit the New York Division of Criminal Justice Services' Sex Offender Registry or at [www.criminaljustice.ny.gov/](http://www.criminaljustice.ny.gov/) for more information or contact NYS DCJS Sex Offender Registry at 518-457-5837 or 800-262-3257.

## **XI. SEXUAL OFFENDER REGISTRY**

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The registry contains information on classified sex offenders according to their risk of re-offending: low risk (level 1), moderate risk (level 2) and high risk (level 3). The act requires that the division maintain a sub-directory of level 3 sex offenders.

Sex offenders registered in New York are required to notify the registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must be reported to the registry no later than 10 days after such change.

## **XII. Sexual Assault, Domestic Violence, Dating Violence and Stalking Prevention and Response Policies**

SUNY EMPIRE is committed to maintaining a safe environment that is supportive of its primary educational mission and without exploitation and intimidation.

It is critical that students who are sexually assaulted receive support and medical treatment as soon as possible. This document outlines the policies and procedures that will allow members of the university community to be effective at referring victims of assault to medical, psychological and legal resources. The university's Student Code of Conduct provides additional information for students.

### **Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases**

SUNY EMPIRE recognizes that students who have been drinking and/or using drugs, whether voluntarily or involuntarily, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. A witness or victim who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY EMPIRE officials or law enforcement, will not be subject to the university's code of conduct for violations of alcohol and/or drug use policies at or near the time of the incident.

### **Campus Climate Assessment Policy**

Student Climate assessments will be conducted every two years to provide university administrators the opportunity to better understand student concerns and to make informed decisions about providing a safe educational environment. (Refer to SUNY Sexual Violence Prevention and Response Policies at <http://system.suny.edu/sexual-violence-prevention-workgroup/policies>).

## **Students' Bill of Rights**

SUNY EMPIRE is committed to providing support and assistance to victims/survivors of sexual assault, domestic violence, dating violence and/or stalking to ensure that they can continue to participate in university wide and campus programs, activities and employment. All victims/survivors of these offenses, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, 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:

- Make a report to local law enforcement and/or state police.
- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously.
- Make decisions whether 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.
- Participate in a fair and impartial process which provides adequate notice and an opportunity to be heard.
- Receive counseling services, where available.
- Discuss the incident to as few institutional representatives as possible.
- Not be the subject of any retaliation from the university, accused, and/or the respondent, their family, friends, or associates.
- Access to at least one level of appeal of a determination.
- Be accompanied by an advisor of choice who may assist the reporting person, accused, or respondent throughout the judicial or conduct process including all meetings and hearings related to such process.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or administrative university process.

## **Sexual Violence Response Policy**

In accordance with the 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 listed.

### **1. Reporting**

- To disclose the incident and obtain confidential services from New York State, contact New York City or county hotlines at [www.opdv.ny.gov/help/dvhotlines.html](http://www.opdv.ny.gov/help/dvhotlines.html). Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages at [www.opdv.ny.gov/help/index.html](http://www.opdv.ny.gov/help/index.html) or 800-942-6906. Assistance is also available through the following organizations.

SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints>

Legal Momentum: [www.legalmomentum.org](http://www.legalmomentum.org)

NYSCASA: <http://nyscasa.org/responding>

NYSCADV: [www.nyscadv.org](http://www.nyscadv.org)

Pandora's Project: [www.pandys.org/lgbtsurvivors.html](http://www.pandys.org/lgbtsurvivors.html)

GLBTQ Domestic Violence Project: [www.glbtqdv.org](http://www.glbtqdv.org)

RAINN: [www.rainn.org/get-help](http://www.rainn.org/get-help)

Safe Horizons: [www.safehorizon.org](http://www.safehorizon.org)

(Note: These hotlines are for crisis intervention, resources and referrals, and are not reporting mechanisms).

- To disclose the incident to a university official, who can offer privacy and information about remedies, accommodations, evidence preservation and how to obtain resources. Those officials will provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the university from retaliation and to receive assistance and resources from the university.

(Note: university officials will disclose they are private and not confidential resources and may still be required by law and university policy to inform one or more university officials about the incident, including but not limited to the Title IX coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures and that questions about the penal law or criminal process should be directed to law enforcement or district attorney).

Title IX Coordinator, Lindsay Holcomb at [lindsay.holcomb@sunyempire.edu](mailto:lindsay.holcomb@sunyempire.edu) or call 518-587-2100 Ext. 2239

Local law enforcement 911 centers.

NYS Police 24-hour sexual assault hotline at 844-845-7269.

- To receive assistance from the university Title IX coordinator in initiating legal proceedings in family court or civil court, email [lindsay.holcomb@sunyempire.edu](mailto:lindsay.holcomb@sunyempire.edu) or 518-587-2100 Ext. 2239.
- To file a report of sexual assault, domestic violence, dating violence and/or stalking, and/or talk to the Title IX coordinator for information and assistance. Reports will be investigated in accordance with university policy and the reporting individual's identity shall remain confidential, if requested. If a reporting individual wishes to keep his/her identity private, he or she may call the Title IX coordinator anonymously.
- When the accused is an employee, a reporting individual also may report the incident to the Office of Human Resources, or may request that one of the above-referenced private employees assist in reporting to the Office of Human Resources at 518-587-2100 Ext. 2240. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements.
- When the accused is an employee, affiliated entity or vendor to the university, university officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona-non-grata letter, subject to legal requirements and university policy.
- The reporting individual may withdraw a complaint or involvement from the university process at any time.

## 2. Resources

- The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information can be obtained at 800-247-8035 or <https://ovs.ny.gov/>
- Victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or altering their physical appearance until after a physical exam has been completed.

## 3. Protection and Accommodations

- When the accused is a student, the victim may request to have the university issue a "No Contact Order" consistent with university policy and procedure. If the accused and protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly or indirectly contacting the protected person. When a No Contact Order is issued in cases involving domestic violence, dating violence, sexual assault or stalking, both the accused and the reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with university policy. Parties may submit evidence in support of their request.
- To have assistance from the Office of Safety & Security or the Title IX Coordinator in initiating legal proceedings including obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a university official who can explain the order and answer questions.
- To have assistance from the Office of Safety & Security when an individual violates an Order of Protection and to facilitate contacting the appropriate law enforcement agency, when applicable.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused reviewed regarding an interim suspension, pending the outcome of a conduct process.
- When the accused is not a member of the university community, to have assistance from the Office of Safety & Security or other university officials in obtaining a persona-non-grata letter, subject to legal requirements and university policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, or other applicable arrangements in an attempt to reduce the opportunity of a hostile work environment.

#### **4. Student Conduct Process**

- Conduct proceedings are governed by the procedures set forth in the SUNY EMPIRE undergraduate and graduate catalogs at [www.sunyempire.edu/academic-affairs/catalogs-guides](http://www.sunyempire.edu/academic-affairs/catalogs-guides), as well as federal and New York State law, including the due process provisions of the United States and New York State constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice, who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
- The right to a prompt response and to have the complaint investigated and adjudicated in an impartial, timely and thorough manner.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing he or she is required or eligible to attend. Accused individuals will be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged and possible sanctions.
- The right to due process concurrent with a criminal investigation and proceeding. Temporary delays should not last more than 10 days, except when law enforcement requests such delay based on the criminal investigation.
- The right to offer evidence during an investigation and to review available evidence.
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to options for providing testimony via alternative arrangements, including telephone/video conferencing, or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process. Prior findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to make an impact statement, when applicable.

- The right to simultaneous (among the parties) written or electronic notification of the outcome to include the findings, sanctions and explanation for same.
- Access to at least one level of appeal of a determination before a panel which may include one or more students.
- The right to the record of a student conduct hearing which shall be maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

### **Options for Confidentially Disclosing Sexual Violence**

Students are encouraged to talk with someone if they have observed or experienced something, even if they are unsure if the behavior constitutes sexual violence. A conversation where questions can be answered is better than keeping something to yourself.

#### **Privileged and Confidential Resources**

Individuals who are confidential resources will not report crimes to law enforcement or university officials without the victim's permission, except for extreme circumstances, such as a health and/or safety emergency.

Off-campus options to disclose sexual violence confidentially include:

- Off-campus counselors and advocates:
  - Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
  - New York State Coalition against Sexual Assault at <http://nyscasa.org>
- Off-campus healthcare providers
- Medical offices and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services can assist in compensating victims/survivors for health care and counseling services including emergency compensation. More information can be found <https://ovs.ny.gov/> or 800-247-8035.

### **Privacy versus Confidentiality**

SUNY EMPIRE offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, as required. SUNY EMPIRE will limit the disclosure as much as practical.

### **Requesting Confidentiality**

If an incident is disclosed to a SUNY EMPIRE employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, or do not consent to the university's request to initiate an investigation, the Title IX Coordinator must consider the request against their obligation to provide a safe, nondiscriminatory environment for all members of the university community, including the reporting individual.

The university will assist in making academic, employment and other reasonable accommodations, regardless of the reporting individuals reporting choices. While reporting individuals may request accommodations through various university offices, the Title IV Coordinator serves as a primary point of contact to assist with these measures.

The university may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the reporting individual or the situation they disclosed.



The university may seek consent from reporting individuals prior to conducting an investigation. The reporting individual may decline to consent to an investigation and that determination will be honored unless the university's failure to act does not adequately mitigate the risk of harm to the reporting person or other members of the university community. Honoring such request may limit the university's ability to meaningfully investigate and pursue action against an accused individual. If the university determines that an investigation is required, the reporting individual will be notified, and immediate action will be taken to provide protection and assistance.

When a reporting individual discloses an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wishes to maintain confidentiality, the university will consider many factors to determine whether to proceed despite such request.

If the university determines that it must conduct an investigation, the reporting individual will be notified, and the university will take immediate action to protect and assist the reporting person.

### **Public Awareness/Advocacy Events**

If an individual discloses a situation through a public awareness event, such as "Take Back the Night," candlelight vigils, protests through a student organization, or other event, the university is not obligated to begin an investigation. SUNY EMPIRE may inform outside entities, as applicable.

### **Anonymous Disclosure**

- New York State Hotline for Sexual Assault and Domestic Violence: 800-942-6906

### **Institutional Crime Reporting**

Reports of certain crimes occurring in specific geographic locations will be included anonymously in the university Clery Act Annual Security Report that neither identifies the specifics of the crime or the identity of the reporting individual.

SUNY EMPIRE is obligated to issue timely warnings of Clery Act crimes occurring within specific locations that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual). A reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parent's prior year federal income tax return. Generally, SUNY EMPIRE will not share information about a report of sexual violence with parents without the permission of the reporting individual.

### **Definitions**

- *Accused*: a person accused of a violation who has not yet entered the university's judicial or conduct process.
- *Bystander*: a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of the university.
- *Bystander intervention*: involves developing the awareness and skills needed to intervene in a situation when another individual needs help. Bystander intervention allows individuals to send powerful messages about what is acceptable and expected behavior in the university community.
- *Code of Conduct*: the written policies adopted by the university governing student behavior, rights and responsibilities while at the university.
- *Confidentiality*: may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to university officials, in a manner consistent with state and federal law, including, but not limited to, 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral

counselors are examples of individuals who may offer confidentiality. University faculty and staff are mandated to report known incidences of sexual assault or other crimes to appropriate university officials but are considered private sources.

- *Preponderance of the evidence*: the standard of proof in sexual harassment and sexual assault cases, which asks whether it is “more likely than not” that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, the accused shall be found responsible.
- *Privacy*: may be offered by an individual when he or she is unable to offer confidentiality under the law but shall not disclose information about a crime or incident learned from a reporting individual or bystander more than is necessary to comply with this and other applicable laws, including informing appropriate university officials.
- *Responsible employee*: an employee with the authority to address sexual violence, who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate university official, or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, the university is considered on notice of that sexual violence.
- *Reporting individual*: victim, survivor, complainant, claimant, witness with victim status and any other term used by the university to reference an individual who brings forth a report of a violation.
- *Retaliation*: adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including, but not limited to, violence, threats of violence, property destruction, adverse educational or employment consequences and bullying.
- *Respondent*: a person accused of a violation who has entered the university’s judicial or conduct process.
- *Sex discrimination*: includes all forms of sexual harassment, sexual assault and other sexual violence by employees, students, or third parties against employees, students or third parties. Students, employees and third parties are prohibited from harassing others, whether or not the harassment occurs on a SUNY campus or during work hours. All acts of sex discrimination, including sexual harassment and sexual violence are prohibited by Title IX.
- *Sexual activity*: shall have the same meaning as “sexual act” and/or “sexual contact,” per 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).
- *Sexual assault*: physical sexual act(s) committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.
- *Sexual harassment*: unwelcome, gender-based verbal, nonverbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational program and/or activities and based on power differentials, the creation of a hostile environment or retaliation.
- *Sexual violence*: physical sexual acts perpetrated against a person’s will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including, dating violence, domestic violence and sexual assault (including rape).
- *Stalking*: intentionally engaging in a course of conduct directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety, or the safety of others, or causes that person to suffer substantial emotional damage. Examples include repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such person(s) and that serve no legitimate purpose, repeatedly communicating by any means with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.
- *Title IX Coordinator*: Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sec., 1681, et seq., states that all students have equal educational opportunity free from sex discrimination, including sexual harassment and sexual assault. The Title IX Coordinator is responsible for the university’s compliance with this regulation including, but not limited to, systematically monitoring and evaluating policy and procedures that effectively and efficiently respond to complaints of sex discrimination. Individuals with questions or concerns related to Title IX may contact the Title IX Coordinator, Lindsay Holcomb, [lindsay.holcomb@sunyempire.edu](mailto:lindsay.holcomb@sunyempire.edu) or call 518-587-2100 Ext. 2239

Lindsay Holcomb  
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SUNY Empire State University  
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The Violence Against Women Act amendments to the Clery Act require that certain university officials charged with responding to sexual assault, domestic violence, dating violence and stalking be trained annually in a number of areas. SUNY EMPIRE is a member of the SUNY Student Conduct Institute. As part of that membership, covered officials who investigate or conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking receive at least eight hours of training annually through attendance at the SUNY Student Conduct Institute's Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings. These in-person and digital courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding and avoiding actual and perceived conflicts of interest. These trainings also address how to conduct an investigation and hearing process that protects the safety of victims, properly employs trauma-informed practices and promotes accountability, while protecting the due process rights of the respondent. Finally, these trainings provide comprehensive reviews of federal and state laws, as well as relevant court and administrative opinions.

### **XIII. BIAS-RELATED CRIME AND HATE CRIME**

SUNY EMPIRE provides the following information to students and employees to assist in the prevention of and response to bias crimes. This statement meets the requirements of the New York State Hate Crimes Act of 2000 (Penal Law Article 485).

#### **A. Bias Crimes, Definitions**

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender identity, sexual orientation, national origin, or disability.

If you are the victim of, or witness to, a hate/bias crime at a university location or event, report it to the appropriate local police agency.

#### **B. Bias-Related Incidents or Crimes**

##### **Purpose**

Empire State University takes bias incidents seriously. The university provides the following information to students and employees to assist in the prevention of and response to bias incidents.

##### **Definitions**

**Bias Crimes:** Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation or disability.

**Bias Incidents:** Bias incidents directed at a member of a group within Empire State University that may or may not rise to the level of a crime include bigotry, harassment or intimidation based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed or marital status.

##### **Statements**

SUNY Empire university does not tolerate bias crimes or bias incidents. If you are the victim of, or witness to, a bias crime or incidents at a university location or event, report it using the procedures herein.

Victims of bias crimes or incidents may seek counseling services from their own health care providers. The university does not offer on-site counseling services.

#### **XIV. DRUG AND ALCOHOL PREVENTION PROGRAM**

##### **A. Standards of Conduct**

Empire State University policy prohibits the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by students and employees on university property or as part of the university's activities.

##### **B. Health Risks**

There are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control, withdrawal syndrome, as well as serious damage to vital organs of the body can result from drug and alcohol abuse. A description of specific health risks is found in Appendix B of the [Drug Free Schools and Campuses Policy \(www.sunyempire.edu/policies\)](http://www.sunyempire.edu/policies).

##### **C. Federal, State and Local Legal Sanctions**

###### **Legal Sanctions**

Articles 220 and 221 of the New York State Penal Law set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend on the individual drug and amount held or sold. Penalties range from fines to prison terms of 15 years to life, depending upon the nature of the substance, the criminal act and the character of the crime. A summary of NY State drug possession and sale crimes and penalties can be found through a web search such as the following (<https://statelaws.findlaw.com/new-york-law/new-york-drug-possession-laws.html>)

Federal Trafficking Law convictions also carry a variety of penalties which range from five to 30 years in prison and substantial fines. A summary of possible federal laws and sanctions can be found in [Appendix A](#) and [Appendix B](#) of the [Drug Free Schools and Campuses Policy \(www.sunyempire.edu/policies\)](http://www.sunyempire.edu/policies).

##### **D. Disciplinary Sanctions – Students**

A student accused of possession/use of, or distribution of alcohol or drugs will be subject to the university's Student Conduct Policy and Procedures, as well as criminal sanctions under federal, state, and local law. SUNY EMPIRE sanctions for those found responsible may include written warning, suspension, or expulsion.

##### **E. Drug and Alcohol Program**

The university has a wellness website which informs students about addiction and where to obtain assistance. In addition, sessions are offered at the student wellness retreat covering drug and alcohol prevention and recovery.

#### **XV. ALCOHOL AND DRUG USE IN THE WORKPLACE POLICY**

##### **A. Policy Statement**

In compliance with the Federal Drug Free Workplace Act of 1988, the Drug Free Schools and Communities Act of 1998 and the New York State Policy on Alcohol and Controlled Substances in the Workplace, the university policy prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and the abuse of alcohol by students and employees on university property (including property leased or rented) while on duty, in a state vehicle, a vehicle leased or rented for state business, or a private vehicle being used for state business during employees' work hours or as part of university activities.

The State of New York Policy on Alcohol and Controlled Substances in the Workplace provides that upon "reasonable suspicion" a supervisor may require an employee to undergo a medical examination which could include a drug and alcohol test.

State of New York employees are subject to criminal, civil and disciplinary penalties if they distribute, sell, attempt to sell, possess, or purchase controlled substances while at the workplace or while performing in a work-related capacity. Such illegal acts, even if engaged in off duty, may result in disciplinary action.

Employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance will be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements including termination of employment or referral for prosecution. Other corrective action may include satisfactory participation in an approved drug or alcohol rehabilitation program.

Any employee convicted of a criminal drug statute for a violation occurring in the workplace or at a work site must notify the Office of Human Resources in writing no later than five calendar days following the conviction. The university will notify appropriate federal agencies of such a conviction within 10 days of receiving notice of the conviction.

An employee may be directed to undergo medical examination and/or testing under Section 72 of the NYS Civil Service Law at the expense of SUNY EMPIRE if the supervisor suspects that the employee is not able to perform their duties as a result of alcohol or controlled substance related disabilities.

Employees may also be referred to the New York State Employee Assistance Program (EAP). EAP is a joint labor-management committee program open to all state employees and their families. The program is a confidential information, assessment and referral program that provides employee requested services including assessment for referral to the most appropriate community resource provider for services related to emotional or physical illnesses, alcohol and other drug-related problems.

Any state employee may contact the New York State Employee Assistance Program at 800-822-0244.

Compliance with the provisions of this policy is a condition of employment with SUNY EMPIRE.

## **XVI. FIRE SAFETY, FIRE RELATED INFORMATION**

Fire safety and emergency training for faculty and staff begins with discussions about fire prevention and safety during orientation programs. Annual fire inspections are conducted by the Office of Fire Prevention and Control.

Smoking is prohibited inside all university facilities.

### **A. Fires, Emergency Building Evacuations, Evacuation for People with Physical Disabilities**

In the event of fire, smoke condition, or odor of gas:

- Call 911.
- Activate the nearest alarm pull station as you leave the building.
- Follow evacuation instructions.
- Quickly and calmly evacuate the building from the nearest exit. Do *not* use the elevators.
- Do *not* re-enter a building that is in alarm.
- Proceed to the previously designated area of refuge and remain there.

Emergency evacuation plans are identified for each university location and posted.

- It is best to have arrangements preplanned for evacuation assistance. Arrangements can be made to reasonably assure that assistance is provided to anyone who requires it. Contact the Office of Safety & Security at 518-587-2100 Ext. 2800 for pre-plan arrangements or questions.
- **If you are unable to evacuate, call 911.**

## **XVII. MEDICAL EMERGENCIES**

### **Dial 911**

#### **Medical Incidents**

In the event of a medical emergency, contact 911 and then the Office of Safety & Security.

## **XVIII. GENERAL SAFETY**

### **A. Personal Safety**

- *Stairwells and out-of-the way corridors:* utilize common stairwells and corridors that are traveled most frequently by others.
- *Elevators:* if in an elevator with someone who creates an uneasy feeling, get off as soon as possible.
- *Restrooms:* be cautious when using restrooms that are isolated or poorly lit.
- *After hours:* don't walk alone late at night. Create a buddy system for walking to parking lots or public transportation.
- *Parking lots or garages:* always lock the car and roll the windows up all the way. Park in a well-lit area. Carry keys in hand while approaching the vehicle.

### **B. Prevention of Crime in the Office**

Use your keys, access card/fobs/codes properly.

- Never share them with anyone.
- Don't place personal identification on your key rings.
- Keep your personal keys and office keys on separate rings.
- Report lost key rings and access cards immediately to the Office of Safety & Security.
- Keep purses or wallets on your person or lock them in a drawer or closet.
- Keep track of serial numbers of any personal items and mark them with your name or initials.
- Keep coat racks away from entrances/exits to minimize temptation.
- Don't leave your office unattended.
- Have your phone forwarded to another person's office or to voice mail.
- Report any lighting deficiencies, broken windows, or broken door locks to facilities maintenance.
- Don't allow repairs to security or communication equipment without verifying a written order from the appropriate supervising office.

## **XIX. DOMESTIC VIOLENCE – WORKPLACE VIOLENCE INITIATIVE**

Executive Order 19, issued on Oct. 22, 2007, requires all state agencies to adopt a Domestic Violence and the Workplace Policy by Aug. 1, 2008. The Office for the Prevention of Domestic Violence (OPDV) has been charged with the responsibility of developing a model policy and sample implementation procedures by Feb. 1, 2008. The university's workplace violence initiative program and training outline is located on the Office of Safety & Security website (<https://www.sunyempire.edu/policies>).

## **XX. WEAPONS POSSESSION**

University policy prohibits unauthorized possession or use of firearms, explosive devices, fireworks, dangerous or illegal weapons, or hazardous materials

## **XXI. FIREARMS POLICY**

SUNY EMPIRE prohibits any person from possessing firearms at any university facility or university sponsored event without the written authorization of the university's chief administrative officer. This policy specifically applies to law enforcement officials who may otherwise be authorized to carry firearms while off duty.

This policy prohibiting the possession of firearms does not apply to law enforcement officials in *pursuit of official duty* when authorized by federal or state law. For purposes of this policy, law enforcement officers who are required to carry firearms while taking on-duty breaks shall be considered in “pursuit of official duty” when on such breaks.

See the following SUNY policies for additional information:  
8 NYCRR Part 590 – SUNY’S regulations relating to firearms.  
SUNY’S Policy for Firearms on State Operated Campuses.  
8 NYCRR Part 535 SUNY’S regulations for the maintenance of public order.

## **XXII. STUDENT CONDUCT POLICY**

### **Purpose**

SUNY Empire State strives to maintain a community that promotes and values the academic experience, institutional and personal integrity, and justice, equality, and diversity. Members of the SUNY Empire community should be able to work and learn in an environment that is orderly, peaceful, and free of disturbances that impede individuals’ growth and development, or their ability to perform their responsibilities. Respect for the rights of others and SUNY Empire property are essential expectations for each SUNY Empire student.

To maintain a fair, just, and safe community environment, this Student Conduct Policy defines the minimum expectations for behavior at SUNY Empire. It also provides for the procedures for responding to allegations of student misconduct, and the actions the SUNY Empire may take in dealing with policy violations, which are outlined in the Student Conduct System.

### **A. Jurisdiction**

SUNY Empire jurisdiction and discipline pertains to conduct which occurs on its premises, in/on properties or buildings it owns/leases/operates, through online tools and learning management systems provided by SUNY Empire, or off campus and which adversely affects the SUNY Empire community, including any of its members, and/or the pursuit of its objectives and mission. In addition, illegal conduct off campus or on external online platforms may be adjudicated on campus as a violation of the Student Conduct Policy, and students outside of the United States may be held responsible on campus for violations of the laws of the country where they are visiting/residing.

### **B. Due Process**

The Student Conduct System is designed to support the right to due process, which is a process that is fair, consistent, provides adequate notice, and a meaningful opportunity to be heard. The student conduct proceedings provide the Student Conduct Body or officer a full opportunity to hear both sides of the issue in considerable detail. Except as otherwise provided in Section D below, no student shall be disciplined for a violation of this policy without being first given appropriate advance notice of the charges against him or her and a hearing before an appropriate body or officer. The student may waive in writing the requirement of a hearing when allowed by law or related regulations.

### **C. Violation of Law and Student Conduct Policy**

Students may be charged with violations of both the SUNY Empire’s Student Conduct Policy and the laws of the broader society. Proceedings under this Student Conduct Policy may be carried out prior to, simultaneously with, or following external civil or criminal proceedings for the same factual situation without regard to the status of civil litigation in court or criminal arrest and prosecution. Exceptions may be approved by the Student Conduct Director for temporary delays as requested by external legal or law enforcement entities. Temporary delays should not last more than 10 business days except when law enforcement specifically requests and justifies a longer delay.

When a student is charged by federal, state, or local authorities with a violation of law, SUNY Empire will not request or agree to special consideration for that individual because of the individual's status as a student. The alleged offense may also be the subject of a proceeding before a Student Conduct Body under the Student Conduct Policy and SUNY Empire may advise off-campus authorities of the existence of the Student Conduct Policy and of how such matters will be handled within SUNY Empire. SUNY Empire will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty/staff members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

#### **D. Interim Suspension and Directives**

The Student Conduct Director, or designee, may impose interim measures prior to and pending a hearing, and determination of said hearing, including interim suspension and loss of privileges, which may include no contact orders, and other reasonable measures, upon learning of a possible Student Conduct Policy violation. Students have the right to challenge the terms of the interim measure(s) or request a modification. Interim suspensions may only be imposed when, in the judgement of the Student Conduct Director, the continued presence of such student would constitute a danger to themselves, to the safety of persons or property, and/or would pose an immediate threat of disruptive interference with the normal conduct of the SUNY Empire's activities and functions. Violation of any condition of the interim suspension shall be grounds for additional charges and sanctions up to and including expulsion from the SUNY Empire.

#### **E. Amnesty in Sexual Misconduct Cases For Alcohol and/or Drug Use**

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Empire recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Empire strongly encourages students to report incidents of sexual misconduct to SUNY Empire officials. A bystander or Reporting Individual, acting in good faith, who discloses any incident of sexual misconduct to SUNY Empire officials or law enforcement, will not be subject to the Student Conduct Policy for violations of alcohol and/or drug use policies occurring at or near the time that the sexual misconduct occurred.

#### **F. Prohibited Conduct**

The following list of prohibited conduct is not exhaustive and is intended to describe minimum standards for specific and/or general types of behavior that may result in sanctions outlined in the procedures for this policy. These prohibitions apply both to student behavior which occurs on campus, at SUNY Empire-sponsored events off campus, in SUNY Empire-sponsored virtual and online activities, and may apply to off campus behaviors as noted in "Section A: Jurisdiction" of this policy. Prohibited behavior includes not only completed actions, but also attempted violations of the Student Conduct Policy.

##### **1. Fire Safety**

- a. Causing or creating a fire, regardless of intent (except as authorized for use in class, in connection with SUNY Empire-sponsored research, or other approved activities).
- b. Tampering with safety measures or devices, including but not limited to, alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, etc.



c. Failing to conform to safety regulations, including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system, and inappropriate, negligent or reckless behavior which results in the activation of a fire alarm.

## **2. Weapons**

- The on-campus possession or use of any weapon or any device capable of use as a weapon whether it is through the release of explosive material, noxious material, electric discharge, or projectile; or cutting, thrusting, stabbing, striking.
- The on-campus possession or use of a deadly weapon as defined in NYS Penal Law Section 10.00(12) or any weapon listed in NYS Penal Law Section 265.

Note: in addition to SUNY Empire policy restrictions, possession of a weapon on school grounds, including all SUNY Empire locations, is a felony under NYS Penal Law Section 265.01-a.

## **3. Threatening or Abusive Behavior**

Intentionally or recklessly causing physical harm to any person, or reasonable fear of such harm, verbally or in written form. Students cannot justify such behavior as defensive if:

- the behavior is a physical response to verbal provocation
- the student has the ability to leave the situation, but instead chooses to respond physically, and/or
- such actions are punitive or retaliatory.

Additionally, it is prohibited to use a self-defense spray in circumstances that do not justify the use of such device.

## **4. Harassment**

Engaging in behavior that is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits any SUNY Empire Community Member's ability to participate in or benefit from the SUNY Empire's education program and/or activities, threatens or violates the personal safety of any SUNY Empire Community Member, and/or creates an academic environment that a reasonable person would find intimidating or hostile.

Activity protected by the First Amendment will not constitute harassment.

Harassment may include:

- directing unwanted physical, verbal, or electronic conduct at an individual based on one or more of that person's protected characteristics or status, including age, color, race, disability, marital status, national/ethnic origin, religion, military/veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation, domestic violence victim status, criminal or arrest record, political activities, or predisposing genetic characteristics; or
- subjecting a person or group of persons to unwanted physical contact or threat of such; or
- repeated contact with an individual or office after being instructed to cease.

## **5. Intimate Partner Violence**

Intimate Partner Violence includes Dating Violence and Domestic Violence, both of which are further defined below. Intimate Partner Violence can occur in relationships of the same or different genders.

- a. Dating Violence - Any act of violence, including physical, sexual, psychological, electronic, and verbal violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Individual. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of the interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.
- b. Domestic Violence - Any violent felony, non-violent felony, or misdemeanor crime, as those terms are defined by the laws of the State of New York and/or of the federal government, committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

## **6. Stalking**

Stalking is engaging in a course of conduct (including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, online tools, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property) directed at a specific person(s) that would cause a reasonable person(s) to:

- a. fear for their safety or the safety of others; or
- b. suffer substantial emotional distress (defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling).

Stalking does not require direct contact between parties and can be accomplished in many ways, including through third parties or through the use of electronic devices and social media.

## **7. Endangerment**

Acting to create or contribute to dangerous or unsafe environments anywhere on- or off-campus or electronically. Reckless or intentional acts which endanger, or put at risk, the welfare of oneself or others are prohibited.

## **8. Sexual Harassment**

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, electronic, or otherwise, when the conditions outlined in subsections a. and/or b. below, are present:

- a. Submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any SUNY Empire programs or activities or is used as the basis for SUNY Empire decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- b. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual's ability

to participate in, or benefit from, SUNY Empire's education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

## 9. Sexual Assault and Sexual Exploitation

- a. **Sexual Assault I** - Intentionally engaging in any form of vaginal, anal, or oral penetration, however slight, with any object (an object includes but is not limited to parts of a person's body) without the person's Affirmative Consent
- b. **Sexual Assault II** - Intentionally engaging in touching a person's intimate parts (defined as mouth, genitals, groin, anus, inner thigh, breast, or buttocks) whether directly or through clothing, without the person's Affirmative Consent. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.
- c. **Sexual Exploitation** - Intentionally engaging in, or attempting to engage in, abusive sexual behavior without Affirmative Consent that does not otherwise constitute Sexual Assault I or Sexual Assault II. Examples include, but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the nonconsenting party; nonconsensual video or audio recording of sexual activity; sharing and/or allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; inducing incapacitation with the intent to sexually assault another person; creating, possessing, or distributing the sexual performance of a child (as defined in NYS Penal Code 263.00) ; and aiding, abetting, or otherwise facilitating sexual activity between persons without the Affirmative Consent of one or more party.

The following principles outlined in NYS Education Law Article 129-B apply to the SUNY Empire's interpretation of Affirmative Consent

- a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c. Consent may be initially given but withdrawn at any time.
- d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. 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.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. When consent is withdrawn or can no longer be given, sexual activity must stop.

## 10. Hazing

Hazing is any reckless or intentional conduct in connection with the initiation into, or affiliation with, any organization or group which degrades, humiliates, or endangers the mental or physical health of any person, regardless of the person's willingness to participate.

## **11. Forgery, Fraud, Dishonesty**

Altering or misusing documents, records, stored data, or instruments of identification, or furnishing false information to any SUNY Empire, local, state or federal official. This includes possessing, creating, or using a fake or forged instrument of identification, or monetary notes, or knowingly making a false complaint to a SUNY Empire office. A good faith complaint which is later not substantiated is not considered to be a false complaint.

## **12. Property Damage**

- a. Removing, destroying or damaging SUNY Empire property, or property under SUNY Empire administration or supervision.
- b. Destroying or damaging the property of others, on- or off-campus.

## **13. Theft**

Stealing property and/or services; possessing stolen property. This includes identity theft (i.e., unauthorized possession or use of a financial instrument, SUNY Empire ID Card, etc.).

## **14. Unauthorized Entry, Presence, or Use**

Entering, being present in/on, or using facilities or property on- or off-campus, belonging to individuals, SUNY Empire-recognized groups and/or corporate entities without proper authorization.

## **15. Drugs**

Consistent with the federal Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, distributing, or intent to distribute, a controlled substance or dangerous drug, or any drug unlawful to possess, (i.e., marijuana) except as expressly permitted by law. Drug paraphernalia including, but not limited to bongs, water pipes, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus. Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs must have an authentic medical prescription. Driving under the influence of drugs is prohibited. This applies to both on- and off-campus behavior.

While possession of marijuana by adults (21+) in New York State has been legalized, it remains prohibited on all state campuses as required by federal law. Possession while at a SUNY Empire location or event will result in a Student Conduct Policy violation.

## **16. Alcohol**

Consistent with New York State Law, individuals under the age of 21 years are prohibited from using, possessing, or distributing alcoholic beverages. Individuals over the age of 21 may use and possess alcohol as permitted by the law and SUNY Empire policies. Open containers and public intoxication are prohibited. Students who are irresponsible in their use of alcohol or who provide alcohol to minors will be subject to this policy regardless of the student's age. Driving under the influence of alcohol is prohibited. This applies to both on and off-campus behavior.

## **17. Obstruction or Disruption**

Impairing, obstructing, or disrupting the orderly conduct, processes, activities, and functions of SUNY Empire, including teaching and learning, or the community where the conduct occurs including, without limitation, teaching, research, administration, disciplinary procedures, or other authorized activities, including public service

functions. It can include participation in campus demonstrations which disrupt the normal operations of SUNY Empire and infringe on the rights of other SUNY Empire Community Members by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; and intentional obstruction which unreasonably interferes with freedom of movement, be it pedestrian, vehicular, or electronic on campus. It also includes, without limitation, excessive noise, abusive, or obscene language in a public place, littering, obstructing vehicular or pedestrian traffic, and boisterous, indecent, or threatening conduct that is unreasonable in the area, time, or manner in which it occurs. Behaviors, speech, or actions that interfere with the ability of the instructor(s) to teach or students to learn are considered disruptive.

Conduct protected by the First Amendment is excluded.

## **18. Student Group Violations**

Students are expected to know and abide by the regulations governing their membership in a Student Organization. Prohibited conduct by officers/members of student groups and organizations may result in a referral to the Student Conduct System for individual students.

It is a violation of SUNY Empire policy for students to affiliate with organizations that have had recognition suspended or permanently revoked by SUNY Empire. The definition of affiliation includes joining or being involved in any activity that would normally be associated with being a member of such organization.

## **19. Misuse of the SUNY Empire Name and Mark**

Use of the SUNY Empire name, symbols, logo, and wordmark inconsistent with the university's Use of University Name and Wordmark Policy, available here:

<https://www.sunyempire.edu/policies/?search=cid%3D37966>

## **20. Aiding and Abetting**

Aiding, abetting, or otherwise facilitating an individual to commit or attempt to commit a violation of the Student Conduct Policy.

## **21. Non-Compliance**

- a. Failure to comply with SUNY Empire policy and/or any local, state, public health directive, federal law, rule, or regulation.
- b. Failure to comply with the directions of an authorized local, state, federal, or SUNY Empire Official acting in the performance of their duties, or any other person responsible for a facility or registered function acting in accordance with those responsibilities. This includes, without limitation: not appearing at meetings when directed to do so; not providing identification; not abiding by any temporary and/or administrative directive; and not leaving areas/events/offices when directed to do so.
- c. Failure to notify SUNY Empire of a felony or misdemeanor crime. It is the obligation of every student to notify the SUNY Empire (via e-mail – [universitysudentservices@sunyempire.edu](mailto:universitysudentservices@sunyempire.edu)) five (5) calendar days from the date of arrest of any felony or misdemeanor arrests at any time after a student pays their orientation fee through graduation or separation from SUNY Empire, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the SUNY Empire or administrative/registration holds placed on the student's account. SUNY Empire may review the facts underlying the arrest to determine if there is an associated SUNY Empire policy violation.

## **22. Electronic Use**

Misuse or abuse of the SUNY Empire computer systems, voice mail, or telephone services. This includes, without limitation:

- a. Unauthorized use or abuse of your SUNY Empire computer account, including failure to safeguard or sharing of user IDs and passwords.
- b. Sending abusive or threatening messages to students, faculty, or staff.
- c. Accessing a student or staff account without authorization.
- d. Using a SUNY Empire office email account to send messages without authorization.
- e. Failure to comply with any SUNY Empire technology policies.
- f. Illegal use including, but not limited to illegal downloading, uploading, or use of file sharing programs with regard to copyrighted materials.

## **23. Hate or Bias-Related Crime**

Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, or other classes protected by state or federal law regardless of whether the belief or perception is correct.

## **24. Abuse of the Student Conduct System**

Abusing the Student Conduct System, including but not limited to:

- a. Failure to obey the notice of a Student Conduct Body, Student Conduct Director, or SUNY Empire Official.
- b. Falsification, distortion, or misrepresentation of information before a Student Conduct Body, Student Conduct Director, or SUNY Empire Official.
- c. Disruption or interference with the orderly conduct of a student conduct proceeding.
- d. Knowingly instituting a student conduct complaint without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct System.
- f. Attempting to influence the impartiality of a member of a Student Conduct Body or any other party/individual that may choose to participate in a student conduct proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Body or any other party/individual that may choose to participate in a student conduct proceeding.
- h. Failure to comply with the sanction(s) or directives imposed under the Student Conduct Policy.
- i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

## **25. Retaliation**

Retaliation is adverse action taken against an individual or groups for making a good faith report of prohibited conduct or for participating in any investigation or proceeding regarding prohibited conduct. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report, made in good faith, was not substantiated. Retaliation may be committed by the Respondent, the Reporting Individual, or any other students.

### **XXIII.SAFETY PROGRAMS AND SERVICES**

The Office of Safety & Security offers safety programs and services throughout the year and/or upon request. The focus of these programs and services changes depending on the need. Currently, the following are offered:

- **Violence Against Women Act and Workplace Violence Awareness and Prevention Training** - Offered by the Office of Public Safety and the Office of Student Success. The training session provides participants with information related to workplace violence, including risk factors, key elements, definitions, and types of workplace violence.
- **Publications** - Local police departments and the NYS Police have various publications available that address issues such as date rape, alcohol abuse and theft. Listed on the Public Safety website are various links to police agencies across New York State.
- **Lighting** - The university locations are routinely surveyed to ensure that exterior areas are adequately illuminated at night. Trees and shrubs that impair lighting along walks are trimmed as needed.
- **Building Security** - Each location occupied by SUNY EMPIRE utilizes various methods of security. Personnel at university locations are instructed to report any suspicious situations to the police immediately.
- **Campus Safety Advisory Committee** - The committee will assess, evaluate and monitor the safety and security of the university community through information gathering, policy review and proposal. The committee is comprised of various members of the university community and will consist of 50 percent women, one third students and one third faculty (See SUNY Policy #5401). The committee will convene twice per year. They will review and make recommendations concerning safety for the university community, meet with the president yearly, as well as submit an annual report.

Office of Public Safety  
2 Union Ave.  
Saratoga Springs, NY 12866  
518-587-2100 Ext. 2900

[www.sunyempire.edu](http://www.sunyempire.edu)

**Location: Brighton – Statistics provided by Brighton PD**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year Category	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery	0	0	0	0	0	0	0	0	0	0
D. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
E. Burglary	0	0	0	0	0	0	0	0	0	0
F. Motor Vehicle Theft	0	0	0	0	0	1	0	0	0	0
G. Arson	0	0	0	0	0	0	0	0	0	0
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession	0	0	0	0	0	0	0	0	0	0
B. Drug Use Violations	0	0	0	0	0	0	0	0	0	0
C. Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
D. Weapons Possession Ref.	0	0	0	0	0	0	0	0	0	0
E. Drug Use Referrals	0	0	0	0	0	0	0	0	0	0
F. Liquor law Referrals	0	0	0	0	0	0	0	0	0	0
<u>Part III Hate Crimes</u>										
0	0	0	0	0	0	0	0	0	0	0
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence	0	0	0	0	0	0	0	0	0	0
B. Dating Violence	0	0	0	0	0	0	0	0	0	0
C. Stalking	0	0	0	0	0	0	0	0	0	0

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.



**Location: Brooklyn – NYPD Brooklyn (84<sup>th</sup> Precinct) failed to provide statistics**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Cheektowaga – statistics provided by Cheektowaga PD**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Fort Drum – Fort Drum Military PD failed to provide statistics**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Manhattan – NYPD Manhattan (1<sup>st</sup> Precinct) failed to provide statistics**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year Category	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Saratoga Springs – Statistics provided by Saratoga Springs PD**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>		<u>Unfounded*</u>	
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Selden – statistics provided by Suffolk County PD**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

**Location: Staten Island – NYPD Staten Island (122<sup>nd</sup> Precinct) failed to provide statistics**

**Note: SUNY EMPIRE does not utilize residence halls.**

Statistical Year	<u>All on Campus Property</u>			<u>Non-Campus Property</u>			<u>Public Property</u>			<u>Unfounded*</u>
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2023
<u>Category</u>										
<u>Part I Primary Crimes</u>										
A. Criminal Homicide										
Murder/Non-Negligent Mansl.	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
B. Sex Offenses										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
C. Robbery										
D. Aggravated Assault										
E. Burglary										
F. Motor Vehicle Theft										
G. Arson										
<u>Part II Drug, Alcohol, Weapons</u>										
A. Weapons Possession										
B. Drug Use Violations										
C. Liquor Law Violations										
D. Weapons Possession Ref.										
E. Drug Use Referrals										
F. Liquor law Referrals										
<u>Part III Hate Crimes</u>										
<u>Part IV, VAMA Crimes</u>										
A. Domestic Violence										
B. Dating Violence										
C. Stalking										

**\*Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false, the crime is designated as unfounded. Only sworn law enforcement personnel can categorize an offense as unfounded. Unfounded crimes are counted in the year in which they are originally reported.

