

BINGHAMTON
UNIVERSITY
STATE UNIVERSITY OF NEW YORK

**2017 ANNUAL SECURITY
AND FIRE REPORT**

(2016 CALENDAR YEAR STATISTICS)

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Unless otherwise noted, all policies and procedures mentioned in this document apply at both the Binghamton University main campus in Vestal, N.Y., and the University Downtown Center in Binghamton, N.Y.

Accessibility to Information and Non-Discrimination Policy

The University is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of an individual’s race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated. Inquiries regarding the nondiscrimination policy may be directed to Valerie Hampton, Chief Diversity Officer, Binghamton University, LS G548, Binghamton, NY 13902; Telephone 607-777-4775; Email: vhampton@binghamton.edu, or, where appropriate, to Dr. Andrew Baker, Title IX Coordinator, Binghamton University, AD 217, Binghamton, NY 13902; Telephone: 607-777-2486; Email: abaker@binghamton.edu.

ANNUAL SECURITY AND FIRE SAFETY REPORT PREPARATION

As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, statistics must be compiled by the university on certain crimes and student conduct referrals when reported by a person to the New York State University Police at Binghamton (NYSUP) or a campus official with significant responsibility for student and campus activities.

Preparation and dissemination of the Annual Security Report and Annual Fire Report is coordinated by the University's Clery Act Coordinator, with the assistance of several other offices. Each year an email notification is sent to all enrolled students providing the address of the website at which they may access these reports. Faculty and staff are notified of the reports' availability via a *Dateline* (internal communication) announcement. Prospective students are notified about the availability of the reports via communication from the Admissions Office. Prospective employees are notified of the report's availability through job postings from the Human Resources Office.

A copy of the State University of New York at Binghamton campus crime statistics will be provided, upon request, by NYSUP. Please direct all such requests to the NYSUP at Binghamton at 607-777-2393 or 7-2393 from an on-campus phone, or by electronic mail at bu.police@binghamton.edu. The report is available online at: binghamton.edu/student-handbook/asfr.html.

ABOUT THE UNIVERSITY POLICE DEPARTMENT

ROLE, AUTHORITY AND TRAINING

New York State University Police, Binghamton, operates 24 hours a day, seven days a week, from a central station in the Couper Administration Building (room G-24). The law-enforcement unit consists of 32-40 sworn personnel: the Chief of University Police, one Assistant Chief of University Police, one Deputy Chief, 4 University Police Lieutenants, 3 University Police Investigators, 1 Technical Sergeant, and 21-29 University Police Officers including new hires and academy recruits.

New York State University Police officers, with full arrest powers, are responsible for enforcing all state, federal and local laws, as well as the rules and regulations of the University. In addition, the department provides a number of other services, including, but not limited to, medical emergency assistance, crisis intervention, crime prevention, locating missing/wanted persons and providing speakers on topics related to law enforcement. The department also coordinates the campus safe walk service and the emergency and blue-light phone systems.

Sworn officers of the New York State University Police receive their law enforcement authority from the New York Criminal Procedure Law. Officers receive their training at a NYS Department of Criminal Justice Services authorized Municipal Police Training Academy.

WORKING RELATIONSHIP WITH LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

The department maintains a close working relationship with local law enforcement agencies as required by law. These agencies include the Vestal, Binghamton, Johnson City and Endicott police departments, the Broome County Sheriff's Department, the New York State Police, federal law-enforcement agencies and other appropriate criminal justice agencies.

The University has Memorandums of Understanding concerning mutual assistance with the agencies listed above.

SAFETY, OUR PRIORITY

We take great pride in the community at Binghamton University and what we are able to provide for our students, faculty, staff and visitors. This is a great place to live, learn, work and study; however, this does not mean that our community is immune from problems that arise elsewhere. Along those lines, we have taken progressive measures to create and maintain a safe environment on campus. Even though our policies, programs and education may seem enough, it is up to each of us to be aware and use reasonable judgment when living, studying, working or visiting on campus.

The University maintains a daily crime log. It is available at the University Police Department located at Couper Administration Building. The crime log contains information concerning reported crimes, case numbers, classification of the crime, date reported, date and time occurred, general location and disposition of the crime.

REPORTING CRIMES AND OTHER EMERGENCIES

PROMPT REPORTING OF AN EMERGENCY OR CRIME

Community members, students, faculty, staff and visitors are expected to promptly and accurately report all crimes and public safety-related incidents to University Police or when the incident occurs off campus, the appropriate local police agency.

Any suspicious activity or person(s) seen in the parking lots loitering around vehicles, inside buildings or around residence halls should be reported to police. Crimes should be reported to University Police.

Reporting of crimes and safety hazards may be done in person, at any hour, at the New York State University Police desk located in room G-24 in the Couper Administration Building. In case of emergency, dial **9-1-1 for emergencies** from any campus telephone or, to use a “blue light” telephone, merely pick up the receiver and speak to a New York State University Police Communications Officer. Non-emergency reports may be called in to New York State University Police by dialing 607-777-2393 or 7-2393 from a campus telephone. *Help make this a safe campus – report promptly.*

If people wish to report a crime, which will be included in the annual disclosure of crime statistics, and want to remain confidential, they may report any crime anonymously via the University Police website at: binghamton.edu/police/emergency.html.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While the University encourages all campus community members to promptly report all crimes and other emergencies directly to the University Police at 607-777-2393, or to 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” (CSAs). The Act defines these individuals, among other individuals, as “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the University has identified several hundred CSAs at its main campus, we officially designate the following offices as places where campus community members should report crimes:

Students and employees may report criminal offenses to the following campus security authorities for the purpose of making timely warning reports and the annual statistical disclosure:

- Residential Life staff; TU 213, 607-777-2321
- Office of Student Conduct staff; TU 3J, 607-777-6210
- International Student and Scholar Services staff; OH 142, 607-777-2510
- Educational Opportunity Program staff; UU 256/258, 607-777-2791
- Athletics staff, including all coaches, through the director; EC, 607-777-2043
- University Union staff; UUU 205, 607-777-3300
- International Education and Global Initiatives staff; OH 240, 607-777-2336

- Office of Dean of Students staff; UUU 205/204, 607-777-2804
- Student Affairs, Office of the Vice President for; AD 420, 607-777-4787
- Human Resources; AD 244, 607-777-2187
- Title IX Coordinator, Dr. Andrew Baker; AD 217, 607-777-2486

Please note that these offices allow victims and witnesses to report crime on a voluntary basis. Reports of this nature may be filed with the New York State University Police for informational purposes. Counselors at the University Counseling Center who are informed by persons they are counseling of the commission of a crime may also inform that person that crimes may be reported to the Office of Student Affairs on a voluntary basis for inclusion in the University’s crime statistics only.

The New York State University Police (NYSUP) at Binghamton promptly investigates all reports of crimes and matters of personal safety. This includes reports of violent felony offenses* as well as reports of missing persons. Where a joint investigation is necessary, NYSUP officers work in full cooperation with local law enforcement agencies. Regarding this, Memorandums of Understanding with agencies of joint jurisdiction have been established.

*as defined in Section 70.02 of the NYS Penal Law

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Binghamton University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Binghamton University students and recognized student organizations off campus.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The University may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to affect a substantial University interest, as defined in the University Off-Campus Misconduct Policy at: binghamton.edu/student-conduct/img/student-code-of-conduct-accessible-version-2017-18.pdf.

ONLINE (ANONYMOUS) REPORTING

Information relating to the investigation of a crime can be passed on anonymously to New York State University Police through an online reporting form available at binghamton.edu/police.

POLICY ON TIMELY WARNING REPORTS

In the event of a major emergency, or if there is an event that poses a threat to students, employees or others, a “Campus Alert Bulletin” will be prepared and distributed to:

University Police website – binghamton.edu/police

University email service – *B-line* and *Dateline* messaging lists

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the University Police issues “Timely Warnings.” The University may issue a Timely Warning for the following: arson; aggravated assault; criminal homicide; robbery; burglary; sexual assault; and hate crimes. The University may also issue a Timely Warning for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community. University Police will distribute these warnings through a variety

of ways, including but not limited to posters, emails and media. The University also has the ability to send text message alerts to those who register their cell phone numbers.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. The University will issue Timely Warnings whenever the following criteria are met: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. The University may also issue a Timely Warning in other circumstances, as outlined above.

The Chief of University Police will generally make the determination, in consultation with other University offices, if a Timely Warning is required. However, in emergency situations, any police supervisor may authorize a Timely Warning. For incidents involving off-campus crimes, the University may issue a Timely Warning if the crime occurred in a location used and frequented by the University population.

EMERGENCY RESPONSE, EVACUATION PROCEDURES, EMERGENCY NOTIFICATION

EMERGENCY MANAGEMENT

The Office of Emergency Management assists departments and campuses with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies. The Office of Emergency Management is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response and recovery programs.

Binghamton University maintains a comprehensive emergency response plan that is available online at: binghamton.edu/emergency/emergency-response-plan. This plan details the policies and procedures the University will take when preparing for, responding to and recovering from emergency incidents or other unplanned events. Included within the plan are the following elements:

TEST EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Binghamton University shall conduct annual tests of response and evacuation procedures in the following manner(s):

Preparedness Procedures:

- Annual tabletop and/or functional exercises of the Incident Management Team

Response Procedures:

- Annual NYSUP In-service training / drills

Evacuation Procedures:

- EH&S managed evacuation drills (every campus building, 3-4 times per year)

EMERGENCY NOTIFICATION (ELECTRONIC AND CELLULAR)

Binghamton University is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. The University has the ability to notify the campus community upon confirmation of an emergency or dangerous situation. The University uses the emergency notification system RAVE to provide alerts via B-ALERT. B-ALERT is an emergency notification service available to students, faculty and staff. B-ALERT is a closed, opt-in system. B-ALERT can be used to send emergency messages within minutes of the occurrence of an incident. Alerts sent by B-ALERT are simulcast to the University community via multiple means.

Binghamton University utilizes multiple methods of communicating emergency information. Available techniques for communicating critical information include the following methods:

- Text/electronic messaging (B-Alert)
- Outdoor siren/public address system
- BU Alert Line (777-7700: *Calling this number will provide a recorded message with updated information regarding all emergency incidents and weather related information for the Binghamton University campus.*)
- Electronic LED message boards and TV screens
- Campus voice mail
- University web page
- University email listservs (i.e., *B-Line* and *Dateline*)
- Campus and local television and radio
- Mobile public address systems (vehicle mounted)

The use of these systems will be determined on an individual basis depending on the emergency situation that arises. Use of the systems shall be limited to the acceptable use policy of the university (emergency response plan, section 14).

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY NOTIFICATION SYSTEM

(from binghamton.edu/emergency/emergency-notification/policies.html)

BINGHAMTON UNIVERSITY EMERGENCY ALERT SYSTEM POLICIES AND PROCEDURES

1. PURPOSE

The purpose of this policy is to define use of Binghamton University Emergency Alert System. This system has ten alert components. These components are intended to improve emergency communications between the University's Administration and Binghamton University students, staff, faculty and visitors. This document will establish the protocols that are to be taken in case of an emergency in order to promote the safety of everyone on campus. The Emergency Alert System includes:

- Text/electronic messaging
- Outdoor siren(s)
- BU Alert line (777-7700)
- Electronic LED message boards
- Campus voice mail
- University web page
- University email listservs (i.e., *B-Line* and *Dateline*)
- Campus and local television and radio
- Mobile public address systems (vehicle mounted)

2. AGENCIES AND RESPONSIBILITIES

DECISION TO ACTIVATE: NYS University Police Department NYSUP (“UPD”) – UPD shall make the decision to activate the Emergency Alert System. It shall also have primary responsibility and control of the alert siren. It will also be the responsibility of UPD to conduct drills at different times of day and different days of the week including weekends (see section 5 below). As necessary, after review of the drills, UPD shall hold quality improvement meetings with appropriate campus departments and agencies.

MESSAGE SYSTEM ACTIVATION: Communications and Marketing – Communications and Marketing shall activate the Emergency Alert System when requested by the UPD administration. Communications and Marketing shall maintain appropriate predetermined messages which should be customized and distributed rapidly.

SIREN MAINTENANCE AND BACKUP ACTIVATION: Physical Facilities – Physical Facilities shall be responsible for the maintenance of the outdoor siren. Although University Police shall have primary control of the activation of the siren. Physical Facilities shall maintain the ability to activate the sirens locally in the event UPD is unable to initiate the warning signal.

BACKUP TEXT MESSAGING: Telecommunications – Telecommunications shall have the ability to initiate emergency text messages in case Communications and Marketing or UPD is not able to activate devices.

ACTIVATION OF BROWSER REDIRECT: Information Technology Services (ITS) – ITS shall be responsible for activating the browser redirect. When activated, any computer accessing the internet via a campus server will be immediately redirected to a website containing emergency information.

3. ACCEPTABLE USE OF THE EMERGENCY ALERT SYSTEM

The Binghamton University Emergency Alert System shall only be initiated within the acceptable use criteria listed below.

Warnings and instructions related to emergency conditions:

- Bomb Threat – There is intelligence to indicate the threat is credible (e.g., potential device has been located).
- Civil Disturbance – A demonstration by a large group that is disrupting normal activities and/or showing signs of aggressive behavior.
- Fire – Any fire that is potentially placing lives in danger.
- Hazardous Material Release – A dangerous material (i.e., chemical, biological or radiological) that is spreading from a contained area and/or causing lives to be placed in danger.

- Major Road Closing – An unanticipated closure that could disrupt safe passage to and from campus.
- Medical Emergency – Confirmed contagious disease constituting a campus wide threat (i.e., pandemic)
- Physical Assault – Weapons used, significant violence, perpetrator(s) at large (e.g., active shooter; hostage situation)
- Suspicious Package – A package that is believed to have the potential to cause injury to a wide spectrum of lives or property.
- Utility Failure – A major disruption of utilities and or possible damage (i.e., gas, electrical, water, etc.)
- Severe Weather – Any severe weather that has the potential to cause injury to lives or property (i.e., flooding, thunderstorm, wind, tornado, snow/ice/cold, etc.)
- Missing Person – If activation of the system has the potential to assist in locating the missing person. Alert for this type of incident shall be limited to the communication devices most appropriate for disseminating information. The outdoor siren should not be used for missing persons.
- Other, Life Threatening – Any other condition where lives are in immediate danger and the Emergency Alert System has the potential to reduce the potential of harm.
- “All Clear” and/or additional follow-up messages pertaining to end-of-event. For example: When an alert has been issued due to a potentially severe storm in the area, an “All Clear” message could be sent when the danger has passed.
- General notifications of a non-emergency nature shall NOT be permitted via the Emergency Alert System. The use of the system shall be limited to emergency events only.

4. ACTIVATION OF THE EMERGENCY ALERT SYSTEM

In order to activate the Emergency Alert System the following procedures shall take place:

Emergency Situations

- When a potentially dangerous situation is identified by any member of the campus community, University Police must be immediately notified by calling 911 (from a campus phone) or 777-2222.
- Upon receiving notification of an alleged, potentially dangerous situation requiring the use of the Emergency Alert System, UPD, in addition to following standard dispatch policies, shall immediately notify a chief officer (i.e., Chief, Assistant Chief, Deputy Chief).
- The chief shall be informed of the situation and the possible need to activate the Emergency Alert System.
- All UPD chief officers shall be authorized to initiate the Emergency Alert System.
- The UPD chief officer may seek input from any necessary source to gather information in order to help in making the decision to activate the system. Likely sources of information include, but are not limited to, Binghamton University senior administration, Physical Facilities, Environmental Health and Safety, Broome County Office of Emergency Services (OES), etc.

- Upon determining the need to activate the Emergency Alert System, the UPD chief officer shall contact the director, or designee, of Communications and Marketing. Communications and Marketing shall distribute the emergency message through all appropriate methods.
- During normal working hours, Communications and Marketing will immediately send a representative to the University Police Department. The content of the message shall be finalized by a face-to-face meeting between a UPD Chief Officer and the Communications and Marketing representative.
- After normal working hours, Communications and Marketing shall not delay the message and may activate the appropriate systems remotely from home, and/or via a mobile device. A representative of Communications and Marketing should report to UPD as soon as possible.
- In the event that Communications and Marketing is not able to initiate the Emergency Alert System in a timely manner, appropriate communication of this shall be made to the UPD chief officer and the devices may be activated by the Chief of Police or his designee from the office, from home or via a mobile device.
- When practical and reasonable, all Emergency Alert System devices shall be activated together or within minutes of each other.
- Outdoor Siren – The outdoor siren should only be used when the UPD Administration wants individuals to seek shelter inside a building (shelter-in-place). The siren directs people to take immediate shelter inside the nearest building and, depending on the nature of the emergency, this action may not be appropriate. The BU campus should be educated to shelter-in-place and seek additional information when the outdoor siren is heard.

5. DRILLS

- Drills shall be conducted as often as UPD administration finds appropriate in order to ensure that the system is effective and operational. The drills shall serve as a functional test of the systems, as well as an educational tool for the Binghamton University community. There would be two types of tests, an administrative test and a functional test which could be done together.
- Administrative test – will test how much time it takes to get emergency information from the dispatcher or senior ranking police officer to the UPD administration (i.e., Chief Officers) and from them, to Communications and Marketing, and to other agencies such as physical facilities and telecommunications.
- Functional test – will test the Emergency Alert System by broadcasting to students, staff, and faculty a non-emergency message informing them of the test and providing information regarding what to do if this had been an actual emergency.
- Following the administrative and functional test the UPD Administration would meet with representatives of Communications and Marketing, Physical Facilities, and Telecommunications to discuss quality improvement of the Emergency Alert System and procedures.

6. REGISTRATION

- The only emergency communication component that requires registration is the text / electronic messaging of mobile devices. Telecommunications shall maintain a section in their website where students, staff, and faculty may register their mobile devices.
- Communications and Marketing shall place a link to the Telecommunications registration page on the Binghamton University's internet home page. Placing the registration link on the Binghamton University's internet home page will increase awareness of the service and facilitate the registration process.
- Incoming freshmen and transfer students may be offered the opportunity to register during their orientation sessions.

7. EDUCATION

- New students may be educated about the Emergency Alert System during freshmen or transfer orientation. A representative from UPD and/or from Communications and Marketing may present information regarding the Emergency Alert System program and explain the importance of this system to the new incoming students and their families.
- In order to educate the existing students, faculty and staff Communications and Marketing shall use all appropriate methods to communicate with the campus community. Possible methods include the university website, *Inside BU*, *Dateline*, *B-Line*, *PipeDream*, etc.
- When drills are conducted, messages describing the Emergency Alert System and steps to take if it were a real emergency should be used.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

Campus and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases where there are no predetermined templates in the system, the individual may use the "custom" template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

PROCEDURES USED TO NOTIFY THE CAMPUS COMMUNITY

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency. These methods of communications include the mass notification system B-ALERT, which may include: SMS, email, RSS, Twitter and Facebook. We may also use verbal announcements within buildings, public address systems, fire alarms and posting to websites as described in the Comprehensive Emergency Management Plan (binghamton.edu/emergency/emergency-response-plan).

RESPONSIBILITIES

EMERGENCY MANAGEMENT

Shall provide oversight, management and coordination of the University’s emergency notification and warning system. Emergency Management shall initiate a B-ALERT for any immediate or imminent threat to the campus community.

NYS UNIVERSITY POLICE (NYSUP)

The NYS University Police shall participate in the emergency notification and warning system. NYSUP shall initiate a B-ALERT for any immediate or imminent threat of a criminal nature and may initiate alerts for other threats of any other nature.

COMMUNICATIONS AND MARKETING

Shall participate in the emergency notification and warning system. Communications and Marketing shall disseminate a B-ALERT emergency message via delivery methods under its operational control.

Procedures for Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community)

If the campus activates its Emergency Notification Annex in response to a situation that poses an immediate threat to members of the campus community, the appropriate offices at the campus will notify the larger community about the situation and steps the campus has taken to address the emergency. Primarily, campus communicators/news and media relations is responsible for crisis communications and for updating notices on Facebook, Twitter, and other social networking platforms and for maintaining communications with news outlets, distribution of press releases and scheduling of press conferences.

ENROLLING IN THE UNIVERSITY’S MASS NOTIFICATION SYSTEM B-ALERT

We encourage employees and students of the campus community to enroll in B-ALERT. All employees and students with an access account and binghamton.edu email automatically have their binghamton.edu email enrolled in the system. They are encouraged to visit the B-ALERT portal at <https://www.getrave.com/login/binghamton> and add phone numbers and additional emails. Members of the larger community are encouraged to follow us on Twitter, Facebook or our websites.

Publication of emergency response and evacuation procedures: These procedures are available on the University website at: binghamton.edu/emergency.

IMMEDIATE EMERGENCY RESPONSE

All emergencies on the Binghamton University campus shall be reported to University Police at 911 from a campus phone, or 607-777-2222 from a cell phone. Non-emergency inquiries may be made to University Police at 7-2393 (from a campus phone) or 607-777-2393 from a cell phone (Comprehensive Emergency Management Plan, Annex 8 – Emergency Reporting). Upon notification of an emergency incident, Binghamton University first responders and emergency operation center staff shall follow the National Incident Management System (NIMS) for the response and management of all emergency incidents (emergency response plan, section 1).

IMMEDIATE EVACUATION PROCEDURES

In compliance with New York State laws, Binghamton University conducts evacuation drills at least four times per academic year in every residential building and three times annually in non-residential buildings. These drills are conducted by the office of Environmental Health and Safety (EH&S). EH&S works with all departments on campus to develop and enhance evacuation plans.

WHERE TO CALL FOR HELP

University personnel will inform the individuals of their option to notify both the University and local police departments and will assist in reporting any crime to the appropriate agency.

| | |
|--|-----------------------|
| Tip Line (INFO) | police@binghamton.edu |
| Dean of Students Office | 607-777-2804 |
| Disciplinary Information (Office of Student Conduct)..... | 607-777-6210 |
| Domestic Violence: | |
| Crime Victims’ Assistance Center (24-hr. crisis line) | 607-722-4256 |
| (office) | 607-723-3200 |
| Advocate in the Dean of Students Office | 607-777-2804 |
| Rise-NY (formerly SOS Shelter) | 607-748-7453 |
| Escort Service (SAFE Ride), Campus | 607-777-7233 |
| Human Rights, New York State Division | 607-721-8467 |
| Legal Assistance: | |
| Broome Lawyer Reference Service | 607-723-6331 |
| District Attorney | 607-778-2423 |
| Legal Clinic (Off Campus College) | 607-777-2768 |
| Mediation: ACCORD | 607-724-5153 |
| Sexual Assault Resources: | |
| Crime Victims’ Assistance Center Crisis Line (24 hrs.)..... | 607-722-4256 |
| Office number (non-emergency) | 607-723-3200 |
| Interpersonal Violence Advocate in the Dean of Students Office..... | 607-777-2804 |
| University Counseling Center..... | 607-777-2772 |
| Decker Student Health Services Center | 607-777-2221 |
| Sexual Harassment Resources: | |
| Crime Victims’ Assistance Center..... | 607-722-4256 |
| New York State University Police..... | 607-777-2393 |
| Division of Diversity, Equity, and Inclusion..... | 607-777-4775 |
| Interpersonal Violence Advocate in the Dean of Students Office..... | 607-777-2804 |
| University Ombudsman | 607-777-2388 |
| University Counseling Center..... | 607-777-2772 |
| University Title IX Coordinator | 607-777-2486 |

ASSISTANCE FOR VICTIMS

RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties; publicly available record keeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

PHYSICAL SECURITY

In addition to University Police Officers, who are on patrol year round, uniformed Security Service Assistants provide physical security by patrolling campus grounds. Building guards are in radio contact with New York State University Police and are responsible for reporting emergencies, fire safety violations and violations of law and campus rules and regulations. Guards patrol both residence halls and academic buildings. In addition to mobile and foot patrols, New York State University Police officers patrol the campus on police-equipped mountain bicycles.

Annually the University distributes a survey to all department leadership inquiring about potential risk factors in their specific work location and soliciting their involvement in the annual process. Teams of employees that include University Police conduct site visits which are determined by the response to the survey. During the site visit, teams review the survey results, walk the work space with the department designee and solicit information regarding additional concerns related to workplace safety. Additionally, the annual survey is sent to all faculty and staff regarding workplace violence and workplace safety.

Incidents of violence, threats of violence, or observations of violence in the University community are not to be ignored by any member of the University community. Workplace violence should promptly be reported to University Police and/or Human Resources. Additionally, all members of the University community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment.

Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons should call the University Police immediately:

- Campus telephone: 911
- Cell phone or off campus telephone: 607-777-2393
- Blue light telephones located on campus: Dialed automatically/pick up receiver

Employees should then notify their supervisor as well.

Employees are expected and strongly encouraged to report any threat or act of violence that they have witnessed, received, or have been informed of, to University Police and their supervisors. Every threat should be reported to best maintain safety for the entire campus community. Any individual who makes a threat, exhibits threatening behavior or engages in violent acts on University property may be subject to removal from the premises as quickly as safety permits.

University officials for the purposes of workplace violence and other contacts:

- Counseling Center 607-777-2772
- Dean of Students' Office 607-777-2804
- Employee Assistance Program 607-777-6655
- Human Resources 607-777-2187
- Office of Student Conduct 607-777-6210
- University Ombudsman 607-777-2388

MAINTENANCE OF CAMPUS FACILITIES

New York State University Police regularly tests the emergency phones that are connected directly to New York State University Police and submit work orders for repairs. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs, or upon physical changes of office space and equipment, when requested by an administrator. Many residence halls, state buildings, offices, laboratories, computer rooms and areas on campus have card access, alarms and closed-circuit television systems installed.

ACCESS TO BUILDINGS AND FACILITIES

Members of the campus community, as well as guests and visitors, have access to most campus buildings and facilities Monday–Friday (limited hours may be designated for weekends) at times when the University is normally in operation. Exterior doors on campus buildings are secured each evening by New York State University Police and/or Physical Facilities personnel. Access to some of these buildings is also controlled by card access after normal business hours. Door and security problems are reported on a daily basis.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

These Binghamton University policies, procedures and programs have been developed and implemented to help create a secure environment for the campus community. But personal safety is a shared responsibility. "Together for a Safe Campus," an ongoing educational outreach program sponsored by New York State University Police and the Division of Student Affairs, encourages students, faculty and staff to become more aware of, and responsible for, their personal safety.

Faculty, staff and Graduate and Teaching Assistants are required to take annual compliance training in Workplace Violence Prevention.

CRIME PREVENTION ACTIVITIES

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, the New York State University Police and offices within the Division of Student Affairs hold more than 150 educational programs each year on a variety of topics, including personal safety awareness and security, rape awareness/Rape Aggression Defense (RAD) training, alcohol and other drug abuse and anti-theft programs. Information on safety and security is provided to students and employees via seminars, videos, crime-alert posters, brochures and University and student newspapers or upon request.

During Orientation, programs are presented that address alcohol and drug use, sexual assault, bias-related crimes and other personal safety topics.

Students and employees are also informed of many personal safety services and programs available on campus, which include a campus escort service, rape counseling, mental health services, fire safety and emergency medical response. Services available through the New York State University Police Department throughout the year include motorist assistance, lost-and-found and assistance with class projects.

SAFE RIDE VAN PROGRAM (7-SAFE)

In operation 9 p.m.–3 a.m. every night during the academic year, this program provides the University community with a service in which anyone may be escorted from one location to another on campus by a highly visible escort van, via a predetermined escort van route. Students may utilize the escort van service by waiting for the van along its predetermined route or by calling Transportation and Parking Services at 607-777-7233.

SAFE WALK SERVICE (7-2393)

New York State University Police officers are available 24 hours a day to escort persons on request.

BLUE-LIGHT TELEPHONES

There are 82 blue-light telephones at strategic locations near campus roadways, sidewalks, parking lots and residence halls. A blue light atop the pole makes each phone easy to see. Direct contact with New York State University Police is established as soon as the receiver is lifted. The dispatcher immediately knows the location of the caller and can dispatch a mobile patrol to the location of the call. Even if the caller is unable to speak, an officer will still respond to the location of the call.

SECURITY IN RESIDENCE HALLS

Residence halls are locked 24 hours per day. Resident assistants, on duty 8:00 p.m.–midnight, make “rounds” during the evening to check such safety and security concerns as propped doors, missing or expended fire extinguishers, or strangers in the building. University policy prohibits students from propping open residence hall exit doors; such violations of policy are referred to the Office of Student Conduct for action (see explanation of Procedures for Review of Student Conduct).

Security Access Telephones

Security access telephones are located outside the main entrance of each residence hall. Guests, visitors or delivery persons may call students to let them know they are waiting outside the hall. Residents are responsible for meeting such callers and escorting them while they are in the building. Emergency telephones are also located in elevators across campus.

Keys

Residents should keep their rooms, suites or apartments locked at all times. Re-keying of doors is required when keys are lost or stolen. Residents are responsible for all keys issued to them and should report lost or stolen keys immediately.

GATE GUARD

The only accessible entrance to campus after midnight is on Bartle Drive. All vehicles admitted to campus from midnight to 5:00 am must have a vehicle currently registered with Transportation and Parking Services, or show a valid Binghamton University ID or be hosted by a member of the University community.

LIGHTING AND MAINTENANCE

Exterior lighting in parking lots, along pedestrian walkways and in areas around buildings helps promote campus safety. Light poles are numbered to facilitate the reporting of any problems to Physical Facilities 607-777-2226. A lighting survey is conducted annually to assess campus needs and to plan for the future. Shrubbery, trees and other vegetation are trimmed on a regular basis.

MISSING STUDENTS

The Higher Education Opportunity Act of 2008 (effective August 14, 2008) requires any institution participating in a Title IV federal student financial aid program that maintains on-campus housing facilities to establish a missing student notification policy and related procedures. In 2010, U.S. Department of Education (ED) regulations on notification requirements took effect with the reauthorization and expansion of the Higher Education Opportunity Act (HEOA).

These regulations apply to all institutions participating in the Title IV federal student financial aid program. They are triggered when a student residing in on-campus housing at a U.S. or foreign campus of the institution is missing for at least 24 hours. The regulations do not apply to students who live on campus in the U.S. but are temporarily residing off-campus in study abroad programs.

The following policy and related procedures is Binghamton University’s official Missing Student Policy. When it is determined that a person is apparently missing from the University, University staff, in collaboration with campus and local law enforcement, will be guided by this Missing Student Policy and standing operating procedures, to locate the student.

The New York State University Police at Binghamton University (NYSUP) must be notified if a student is reported missing. They may be contacted at 607-777-2222 from a cell or off-campus phone, or 911 from a campus phone. Residential Life staff may also be contacted in the student’s residence hall, or at the Residential Life central office by calling 607-777-2321. Residential Life staff will forward all reports to the NYSUP.

Residential students are provided the opportunity annually to identify a person whom the University shall notify within 24 hours of the determination that the student is missing. This person's contact information will be kept confidential and is accessible only to authorized campus officials and may not be disclosed except to law enforcement personnel in furtherance of a missing student investigation.

If NYSUP determines that a student living in on-campus housing is missing an investigation will begin and within the next 24 hours they will:

- Notify the person who has been identified by the student to be contacted if they become a missing student (if one has been identified)
- Notify a parent or guardian if the student is under 18 years old and not emancipated
- Notify appropriate off campus law enforcement agencies, unless the local law enforcement agency was the entity that made the determination that the student is missing.

PERSONAL SAFETY ADVISORY COMMITTEE

Comprising faculty, staff and students, this group reviews campus personal safety issues and recommends ways to enhance personal safety, especially through campus educational and student life programs. The committee sends a written report to the president every year.

OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY

The Office of Environmental Health and Safety inspects campus facilities and audits campus activities to assure compliance with applicable health and safety codes mandated by federal, state and local governments. Contact: Decker Student Health Services Center, Ground Floor room 101, 607-777-2211

PROCEDURE STATEMENT FOR SEX OFFENSE, DOMESTIC VIOLENCE AND STALKING

Binghamton University will not tolerate acts of sexual assault, dating violence, domestic violence and stalking. The University will investigate all allegations of sexual assault and take appropriate student conduct, criminal and/or other legal action. Students who are victims have legal and health needs in addition to psychological needs related to the trauma from the assault. The primary purpose of crisis counseling with these victims is to help them to be and feel safe and to re-establish control in their lives. In regaining control, the victim will need to make decisions about evidence collection, filing reports with appropriate law enforcement agencies, and health care. As confidential reporting sources, the Decker Student Health Services Center and the University Counseling Center strongly adhere to confidentiality policies and do not report crimes shared by victims without authorized permission. However, they strongly endorse and support victims through reporting crimes to appropriate law enforcement agencies and/or Office of Student Conduct officials. In addition, resources, both on and off campus are provided to all victims.

In particular, victims of sexual assault are urged to submit appropriate evidence (such as a sexual assault forensic exam) at an approved location and to file complaints with appropriate police departments, even if the victim's initial decision is not to pursue criminal or campus conduct action against the alleged perpetrator. These departments also strongly encourage the victim to seek medical attention and treatment.

As soon as convenient the victim should report the incident to the University Police, the local police (if off campus) or University faculty or staff members. The victim should make every attempt to preserve any physical evidence of the assault. This may include a voluntary medical examination, not showering or not disposing of any clothing or other items that are present after/during the assault. Victims are encouraged to contact any law enforcement agent by calling 911 after a sexual assault for crime investigation, referral or transport for medical treatment and referral to crisis counseling and legal advocacy. The University Police, with the victim's consent, will immediately conduct a criminal investigation of the reported crime. They will also contact a crisis counselor immediately, if the victim wishes. Student conduct sanctions may be imposed on recognized individual students or student organizations.

University sanctions following campus disciplinary procedures depend on the outcome and may include suspension or expulsion. Every effort will be made to criminally prosecute perpetrators. The claimant and the respondent are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both shall be informed of the outcome of the proceeding.

The University will assist the victim in changing academic and living situations if so requested and if such changes are reasonably available.

WHAT TO DO

Students

If you become the victim of any one of these offenses — sexual assault, dating violence, domestic violence and stalking — on or off campus and you are a student:

- Get to a safe place. If you are unsure where to go or can think of nowhere that is safe at this time, please consider calling University Police (or local police if off campus) at 911. Campus Residence Life or Student Life staff can help with housing arrangements, as well.
- Consider asking a trusted friend or relative to be with you for support;
- Seek medical attention as soon as possible. You may need basic medical treatment for injuries, and you may have injuries of which you are unaware. You also may be at risk of acquiring a sexually transmitted infection, and women may be at risk for pregnancy. Trained staff from the Decker Student Health Services Center at 607-777-2221 or local hospital emergency room personnel can speak with you about all of the medical options available and provide information about a sexual assault forensic examination. In emergencies, call Harpur's Ferry Student Ambulance Service at 911 or 607-777-3333;
- Seek emotional support from the University Counseling Center at 607-777-2772, Decker Student Health Services Center at 607-777-2221, the Dean of Students advocate at 607-777-2804 or the local Crime Victims Assistance Center at 607-722-4256 (24 hr. hotline) 607-723-3200 (office).

- Preserve all evidence of the incident. If you choose to file a report with the police, it is important that you:
 - Do not shower, bathe, douche, wash your hands, brush your teeth, drink, eat or use the restroom or change or destroy clothing — all these things can destroy evidence that may be helpful in a criminal investigation; however, if you have done any of these things since the incident, evidence can still be collected;
 - Do not straighten up or remove anything from the area;
 - Write down as much as you can recall about the incident and the people involved;
 - Seek some form of emotional support. While taking care of your physical needs may be the first step in taking care of yourself, it is important not to neglect the emotions you may be experiencing as a result of the assault, violence or stalking. University counseling services has employees who are specially trained to assist students with recovery and healing. EAP services are available for employees. Contact EAP at 607-777-6655 or for additional help outside normal business hours contact the 24 hour NYS EAP at 1-800-822-0244;
 - It is your choice to determine when and in what manner you recover from the event. Give yourself the time you need and know that it is never too late to get help;
 - KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT AND YOU ARE NOT ALONE.

Employees

There are several offices that an employee can report that they have been a victim of dating violence, domestic violence, sexual assault or stalking:

- University Police, AD G-35, 607-777-2393
- Diversity, Equity and Inclusion; Division of, LS G548, 607-777-4775
- Employee Assistance Program, IN B5, 607-777-6655
- Office of Human Resources, AD 244, 607-777-2187
- University Title IX Coordinator, Dr. Andrew Baker, AD 217, 607-777-2486

If an employee reports that they have been a victim of dating violence, domestic violence, sexual assault or stalking, the University will: provide the victim with a list of local resources for crime victims; work with the victim regarding a leave from work, time and attendance, payroll and benefits; work with University Police to coordinate actions on campus to ensure the safety of the victim.

Actions for discipline taken by the Office of Human Resources are governed by bargaining unit contracts. Each bargaining unit has a contract that outlines the discipline process for employees that are members of their unit. Penalties can include fines, counseling, suspension and termination.

In instances where it is alleged that a state employee has committed acts of dating violence, domestic violence, sexual assault or stalking, the employee may immediately be removed from campus, and relocated to an alternate work location off of Binghamton University property. The Office of Human Resources will conduct

an investigation into the allegations. The discipline process will be initiated according to the steps outlined in the contract of the bargaining unit that to which the accused employee belongs. Once the investigation is complete, Human Resources will issue a disciplinary penalty if deemed appropriate. Human Resources will inform the victim of the results of the investigation.

In instances where an employee has been arrested or charged by local, state, or federal law enforcement for any crime, the Office of Human Resources conducts their own investigation.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING PREVENTION PROGRAMS

Binghamton University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act and will not tolerate these acts. Prevention and awareness programming is provided to incoming students during new student orientation and in an ongoing fashion to current students. These programs are a mix of primary prevention, awareness, risk reduction and bystander intervention, presented by University staff, guest presenters, student peer educators and through web-based platforms. All programming is informed by best practices, inclusive, culturally relevant and responsive to the Binghamton campus community. Examples of such programming include:

Campus Clarity — this is a web-based training module provided to all new incoming students and focuses on sexual assault prevention covering all of the federal and SUNY educational mandates.

20:1 Sexual Assault Prevention Internship — The 20:1 Sexual Assault Prevention Internship trains peer educators to provide sexual assault prevention education to student groups, including fraternities, sororities, athletes, freshmen, student leaders, international students, multi-cultural organizations and other groups. The focus of these sessions is on victim empathy, sexual consent, victim blaming, predatory behavior and bystander intervention.

20:1 Bystander Intervention Internship — The 20:1 Bystander Intervention Internship trains peer educators to provide bystander intervention education to student groups, including fraternities, sororities, athletes, freshmen, student leaders, international students, multi-cultural organizations and other groups. The focus of this session is on how students can understand themselves as a bystander, what affects them in their decision to intervene, how to intervene safely; with the victim, perpetrator or third party. This internship addresses many areas of interpersonal violence including sexual assault, domestic violence, bullying, hate speech/behavior and hazing.

New Student Orientation — 20:1 Breakout Sessions — This program uses trained student assistants to facilitate breakout sessions with freshmen that are interactive. These sessions address victim blaming, affirmative consent, incapacitation, predatory behavior and bystander intervention. Through the use of interactive tools these programs challenge students to think about consent and bystander intervention in a meaningful way.

Speak About It — An innovative, performance-based program to promote healthy sexuality and relationships, inform students about the realities of sexual assault, provide practical strategies for bystander intervention, and connect audience members to campus

and community resources relevant to sexual violence prevention, response, and education. By training student leaders in the group facilitation techniques necessary to encourage productive follow-up conversations about the show and its messages, students continue the dialogue about consent, boundaries and healthy relationships throughout the academic year and beyond.

The Red Flag Campaign – Uses a bystander intervention strategy to address and prevent sexual assault, dating violence and stalking on college campuses. The campaign encourages friends and other campus community members to say something when they see warning signs (“red flags”) for sexual assault, dating violence or stalking in a friend’s relationship.

NYS Wear Purple Day – October is Domestic Violence Awareness Month and Binghamton University participates in NYS Wear Purple Day on the third Wednesday of October. The library tower is illuminated using purple lights, student organizations table and sponsor programming distributing purple ribbons and information on relationship violence and supporting resources.

Clothesline Project – The Clothesline Project is a visual display that bears witness to violence against someone. During the event, a clothesline is filled with shirts of various colors – each color represents a particular form of violence. Hundreds of shirts have been collected over the years and are displayed to help spread the message of survivors or supporters of survivors. This program has been sponsored during the month of April for the last 20 years.

Say Something Bystander Intervention Campaign – The Say Something Committee (formerly known as the Red Zone Project), a Division of Student Affairs committee, successfully launched its second bystander intervention campaign during the beginning of the 2016-2017 academic year. Messages were released at times considered high risk for new students and also during awareness weeks such as; Sexual violence prevention month. Messages are scattered across campus on brightly colored, easy to read posters. In addition, t-shirts, buttons and decals have been distributed campus-wide with the following messages on them:

**“Bearcats Safely Intervene....
When Someone Doesn’t Get Consent”**

**“Bearcats Safely Intervene....
When Someone Has Had Too Much”**

**“Bearcats Safely Intervene....
When Someone Needs Support”**

**“Bearcats Safely Intervene....
When Someone Uses Hate Speech”**

**“Bearcats Safely Intervene....
When Someone Hurts Someone Else”**

A complete list of programming efforts may be obtained by contacting Health Promotion and Prevention Services, within the Division of Student Affairs.

For additional information and assistance regarding sexual assault, domestic violence, dating violence and stalking, students may contact the Decker Student Health Services Center, University Counseling Center, the Dean of Students Office, Residential Life, University Police or local police jurisdictions, Office of Student Conduct, Title IX Coordinator or the Crime Victims Assistance Center.

BYSTANDER INTERVENTION

Individuals are encouraged to use safe and positive interventions when they see or hear about Intimate Partner Violence (IPV) and stalking. Many different kinds of interventions can help prevent harm from coming to others and provide education to individuals where necessary. Some possible strategies include:

- **Direct intervention** – Directly approaching either individual in the situation
- **Distraction** – Finding a way to distract the individual(s) involved in order to dissolve the situation
- **Delegation** – Involving others, such as Human Resources or law enforcement, to resolve the situation

No single approach works for every situation. For example, one might approach someone who they think was harmed differently than someone they believe harmed another. Individuals are encouraged to intervene in a manner that ensures their own personal safety is not placed at risk, while contributing to an environment free from discriminating and harassing behaviors.

SEX 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 sex offenders classified 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 also maintain a Subdirectory of Level 3 Sex Offenders. The DCJS Sex Offender Registry site may be found on the web (See <http://www.criminaljustice.ny.gov/nsor/>) and contains their Subdirectory of Level 3 Sex Offenders as well as other information regarding New York State’s Sex Offender Registry.

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 also be reported to the Registry no later than ten days after such change.

HATE CRIMES PREVENTION

It is a New York State University Police, Binghamton mandate to protect all members of the Binghamton University community by preventing and prosecuting bias or hate crimes that occur within the campus’ jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the *perpetrator’s* bias or attitude against an individual victim or group based on perceived or actual personal characteristics. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability. Hate/ bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (New York State Penal Law Article 485). Copies of the New York State law may be accessed electronically at <http://public.leginfo.state.ny.us/lawssrch.cgi>.

A printed copy may be obtained by contacting University Police at 607-777-2275 or by electronic mail at bupolice@binghamton.edu.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence and previous convictions of the offender. Perpetrators who are students will also be subject to campus conduct procedures, where sanctions including expulsion are possible.

In addition to preventing and prosecuting hate/bias crimes, New York State University Police, staff in the Division of Student Affairs, the University Ombudsman and the Division of Diversity, Equity and Inclusion assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment or intimidation directed at a member or group within the Binghamton University community, may be addressed through the State University of New York's Discrimination Complaint Procedure or the Code of Student Conduct. Bias incidents may be reported to University Police or to staff as noted above.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 607-777-2393 (or 911 in an emergency), using a blue-light or other campus emergency telephone, or by going to the University Police station, located in the basement of the Couper Administration Building. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents may avail themselves of counseling and support services from a number of offices and departments on campus, including the University Counseling Center, the Multicultural Resource Center, the University Ombudsman Office or the Division of Diversity, Equity and Inclusion.

Information about hate/bias crime, including statistics on bias crimes, may be obtained from New York State University Police, Binghamton.

ALCOHOL AND OTHER DRUGS (AOD)

The following behavior is prohibited. Students engaging, attempting to engage or assisting in the following are subject to disciplinary sanctions:

1. Consumption, possession or purchase of alcoholic beverages by any person less than the minimum age allowed by law. Distribution of alcoholic beverages to anyone less than the minimum age allowed by law.
2. Possession of more than one case of beer (288 oz. or 24 12-oz. cans or bottles), two liters of wine and two liters of distilled spirits. Possession of bulk containers of alcohol.
3. Possession, personal use or purchasing of marijuana, controlled substances, prescription drugs prescribed to another person, illegal drugs; or possession of drug paraphernalia containing drug residue.
4. Distribution of controlled substances, prescription drugs prescribed to another person or illegal drugs.

GOOD SAMARITAN ACTIONS

In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for a friend/acquaintance who is suffering alcohol poisoning. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to arrest or University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student.

DRUG/ALCOHOL PREVENTION PROGRAMS

Binghamton University has a firm commitment to foster a community of health and well-being, while also focusing on students' use of alcohol and other drugs and helping them address the issues surrounding their usage. The University recognizes this is a campus-wide effort and works across programs and departments to address these issues. Programming includes, but is not limited to the following:

All students must engage in "Think About It," a web-based education and data collection program which is assigned to all first year, full-time students upon their matriculation into the University. They also are engaged in experiences as new students during orientation as well as their first-year experience (FYE) courses for those registered for them. All FYE classes include an AOD component. The University has trained peer educators who facilitate education on the topics of alcohol and drug use. Training has also included professional staff and graduate students who work with first-time offenders of the AOD policies. Additionally, the Counseling Center has a counselor who specializes in alcohol and marijuana use interventions and treatment.

Outreach continues to be a strength of the AOD program. Street outreach is undertaken by Real Education About College Health (REACH) peer educators and includes activities such as passive marketing through t-shirts, pins and posters to reinforce key safety messages presented to students during orientation. It also includes the "Perfect Pour Bar," a program that educates students on standard drink amounts. Risk reduction and harm reduction messaging is also shared with students. It is through a branded program the students recognize. Additionally, REACH peers are engaged in a media campaign, designing two-minute videos about drug and alcohol use.

Students who are found to be in violation of the University's Code of Student Conduct in regards to the usage of alcohol and other drugs have the opportunity to explore their alcohol use through BASICS, in which they examine their alcohol use through a multi-session motivational interviewing-based program to provide brief supportive counseling, substance use screening, and to assist those who are facing issues with substance use/abuse to initiate change in their behaviors. It is also utilized as a higher level educational sanctioning for students who face substance related conduct violations. For those with lower-level needs, they can engage in CHOICES, which is used in small group sessions to encourage risk management. CHOICES is also used as a lower level educational sanction for students who have conduct violations involving substance use.

For a complete listing of educational and outreach initiatives, please refer to the University's Drug Free Schools and Campus Biannual Review, accessible through the Division of Students Affairs.

ALCOHOL, DRUGS AND WEAPONS POLICIES STATEMENT

Binghamton University complies with the Drug-Free Workplace Act of 1990 and the Higher Education Act Section 120a.

University Police officers enforce laws regulating the use of alcoholic beverages and underage drinking. Binghamton University is committed to maintaining a safe and healthy environment for the campus community. Alcohol and other drugs should not interfere with the University's education mission. All Binghamton University students, faculty members, staff members and administrators are subject to local state and federal laws regarding the unlawful possession, distribution or use of alcohol or illegal drugs.

The unlawful manufacture, distribution, dispensing, possession or use of illegal drugs on the University campus or at any University-sponsored event off campus is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner that impairs performance of assigned tasks.

Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse can also contribute to a host of other physical and mental health problems such as unwanted pregnancy, violent behavior, HIV infection and other sexually transmitted diseases and psychological depression.

The use of alcoholic beverages must be in compliance with New York State Law and is strictly limited to persons 21 years of age or older. The possession, transportation and/or consumption of alcohol by individuals under 21 years of age is strictly prohibited. Alcoholic beverages may not be consumed in public areas.

The University Police strictly enforce federal and state laws, as well as the University's policy, for the use and sale of illegal drugs. Violators are subject to University discipline, criminal prosecution and removal from University housing. Students engaging in the sale of illegal drugs may be expelled. Students found in violation of University alcohol, drug and weapons policies may be subject to disciplinary probation, suspension or expulsion. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees in violation of the University alcohol and drug policies will be referred to Human Resources who administers the disciplinary process. Disciplinary actions taken by the Office of Human Resources are governed by bargaining unit contracts. Employee penalties can include fines, counseling, suspension and termination. Applicable legal sanctions under local, state and federal law for the unlawful possession or distribution of illicit drugs and alcohol range from probation, diversion or imprisonment in the county jail for less than one year to imprisonment in state prison.

STUDENT CONDUCT PROCESSES

In addition to the information contained in the following sections, flow charts for Level 1 and Level 2 Student Conduct Processes are included in Appendix C.

STANDARD OF EVIDENCE

Determinations of responsibility will be made on the basis of whether there is a **preponderance of evidence** that the student charged violated the Code of Student Conduct.

SANCTIONS

STUDENTS

- When violations of the Code of Student Conduct are addressed, the University conduct process attempts to create an active and educational response, taking into consideration the interest of the victim, interest of the accused and the overall well-being of the University community.
- Sanctions are intended to deter any subsequent violations and to promote a safe and secure living-learning environment conducive to the success of all students. To restore community, sanctions will be appropriately tied to the offense and tailored to repair actual harm done.
- Sanctions for incidents involving sexual harassment, domestic violence, dating violence or stalking include suspension or expulsion from the University. Where facts and circumstances justify mitigating to a lesser sanction of probation, students found responsible may also be subject to required educational activities, limitations on campus activities, change in living situation, restricted access to campus and/or other sanctions.
- For cases in which students are found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- The following sanctions may be imposed:
 - Disciplinary Warning** — Disciplinary warning is an official acknowledgment that rules have been violated. Warnings are for a designated period of time and include the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct while on warning. At the discretion of campus offices and programs, students on warning may be ineligible for employment and/or participation in certain campus programs.
 - Disciplinary Probation** — Disciplinary probation is a serious and active response to a violation of rules and may include educational sanctions or other requirements as a term of the probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct during the probationary period. While on probation, students may be ineligible to receive certain University awards or scholarships. At the discretion of campus offices and programs, students on probation may be ineligible for employment and/or participation in certain campus programs.
 - Loss of Privileges** — Loss of privileges is the loss of specified privileges such as use of a particular facility, visitation to a residence hall, housing priority, contact with an individual or other privileges for a designated period of time.
 - Educational Projects and Community Service** — These sanctions involve the completion of projects, assignments, essays, service to the University, facilitation of or participation in programs or other related assignments.
 - Restitution** — Restitution may include payment to an individual or to the University to cover the cost of damage, destruction, defacement, theft or unauthorized use of property. It may also include payment for medical bills not covered by insurance.

- 6. Relocation or Removal from Housing** – Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are usually accompanied by loss of visitation privileges to specified residential areas, and are imposed for a specified period of time.
- 7. Final Probation** – Final probation is imposed only in very serious cases or cases where students are currently under a significant sanction. Final probation may include removal from all University housing and loss of visitation privileges to buildings or areas of campus and is imposed for a specified period of time. Students found responsible for any further violation of the Code of Student Conduct while on final probation may be suspended from the University.
- 8. Suspension** – Suspension is the separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who have been suspended may not be on campus without specific, written permission of the dean of students.
- 9. Expulsion** – Expulsion is the permanent separation of the student from the University. Students who have been expelled may not be on campus without specific, written permission of the dean of students.

Note: Recommendations for final probation, suspension or expulsion from the University are forwarded to the dean of students, who is the president's designee for final action.

1. More than one of the previously listed sanctions may be imposed for any single violation.
2. Following a student conduct board hearing, the board completes a summary report of its findings and recommendations and forwards it to the Office of Student Conduct. The director of student conduct certifies that the sanction(s) is appropriate based on the sanctioning guidelines. The director will make adjustments as necessary to ensure that the sanction(s) is appropriate. The Office of Student Conduct forwards the final outcome to the student charged and the student conduct administrator. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, both parties will be notified of the outcome simultaneously and in writing.
3. Any student found responsible for a violation of the Code of Student Conduct who has targeted a person or group based on factors such as perceived race, color, sexual orientation, gender, gender identity and expression, religion, age, disability, veteran status, marital status, national origin or ancestry may be subject to a more severe sanction than would ordinarily accompany that violation.
4. The director of student conduct will place an administrative hold on a student's University records when the student fails to complete the sanction(s) by the assigned deadline. The hold will remain in effect until the assigned sanction(s) are completed.

EMPLOYEES

The possible sanctions that the university may impose upon an employee following the results of any university disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking are:

- written counseling memorandum
- written reprimand
- monetary fine
- suspension without pay
- termination
- such other action as the university may reasonably deem appropriate consistent with collective bargaining agreements.

PROMPT FAIR PROCESS

Every effort will be made to reach a resolution within 60 days after the receipt of the initial report. Timelines may vary based on the complexity of the case, number of witnesses and the nature of the academic calendar. In general, participants can expect that the investigative phase will take up to 21 days to complete. Upon conclusion of the investigation, both parties will be presented with the investigative report within five days and next steps in the process will be outlined. If warranted, a hearing will be conducted usually within five to 10 days. Appeals are usually resolved in 20 days.

Students' Bill of Rights which appears at binghamton.edu/ivp/support/bill-of-rights.html is incorporated herein by reference.

ANNUAL TRAINING

Students have the right to a prompt response to any complaint. Students have the right to have their complaint investigated and adjudicated in an impartial, timely and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

ADVISORS

Any student may be accompanied by an advisor at any point in the process. Advisors may assist and advise their advisee throughout the process including any related hearings or meetings. Advisors are not permitted to speak or to participate directly in any part of the conduct process unless permitted to do so by the presiding officer.

CHOICE OF ADVISORS

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 Code of Student Conduct.

EQUAL OPPORTUNITY/EQUAL RIGHTS

Throughout conduct proceedings, the respondent and claimant 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 Code of Student Conduct.
- The right to a prompt response to any complaint. The right to have their complaint investigated and adjudicated in an impartial, timely and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence and stalking.
- 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 they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by Binghamton University.
- The right to present evidence and testimony at a hearing where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in the college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and, via the decision maker, indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s) and the rationale for the decision and any sanctions.
- The right to written or electronic notification about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- The Office of Student Conduct is located in Suite 3J of the Tuscarora Office Building in College-in-the-Woods. The office phone number is 607-777-6210.

NOTIFICATION OF RESULTS

Following a student conduct board hearing, the board completes a summary report of its findings and recommendations and forwards it to the Office of Student Conduct. The director of student conduct certifies that the sanction(s) is appropriate based on the sanctioning guidelines. The director will make adjustments as necessary to ensure that the sanction(s) is appropriate. The Office of Student Conduct forwards the final outcome to the student charged and the student conduct administrator. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, both parties will be notified of the outcome simultaneously and in writing.

APPEALS/CHANGE RESULTS/FINAL RESULT

1. An appeal must be submitted in writing by the student charged to the Office of Student Conduct within 10 working business days, after receiving notification of the outcome of the hearing.
2. Hearing board decisions for Level I cases are final. Absent procedural error, Level I cases may not be appealed.
3. For cases involving any form of harassment or sexual violence, sexual assault, domestic violence, dating violence or stalking, the same right of appeal will be extended to both parties. The non-appealing party will be notified of the appeal and may submit a statement of their position with respect to the appeal. Appeals for these cases will be considered by a trained interpersonal violence panel. Either party may appeal the decision of the panel. Appeals of panel decisions are decided by the vice president for student affairs or associate vice president/dean of students. Appeal decisions of the vice president or associate vice president/dean of students will be made utilizing the same standards used for other vice president or associate vice president/dean of students

appeals. Decisions of the vice president or associate vice president/dean of students are final and there is no further appeal.

4. The appeal must specify the reason(s) for the appeal. The student charged may appeal on any or all of the following grounds:
 - a. appeal the finding that the student violated the Code of Student Conduct;
 - b. appeal the sanction imposed; and
 - c. appeal on the basis of specified procedural errors in the disciplinary process.

For each reason cited, a detailed explanation must be included.

5. Failure to appeal within the allotted time will render the original decision final and conclusive.
6. Appeals of all conduct cases are reviewed by either the vice president for Student Affairs or the associate vice president of Student Affairs/dean of students. Appeals may be referred to a three-member appeals board at the discretion of the appeals officer. This board will have the responsibility of making a recommendation on the merits of the appeal. Appeals boards, when used, will consist of at least one student and at least one staff person.
7. Appeals will be decided upon the record of the original proceeding and upon written materials submitted by the parties. New hearings will not be conducted except in accordance with 9.b) of this section. The decision of the appeals officer will be final and there shall be no further appeal.
8. The person(s) reviewing an appeal may:
 - a. Affirm the finding and the sanction imposed by the original board.
 - b. Affirm the finding and reduce, but not eliminate, the sanction, in accordance with 9.a) of this section.
 - c. Assign the case to a new hearing board in accordance with 9.b) of this section.
 - d. Dismiss the case, in accordance with 9.c) of this section.
9. Deference shall be given to the determinations of the hearing board:
 - a. Sanctions may only be reduced if found to be disproportionate to the offense.
 - b. Cases may be assigned to a new hearing board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the charged student a fair hearing, or if new and significant evidence became available which could not have been discovered by proper diligence before or during the original hearing. When a new hearing is granted, no indication or record of the previously conducted hearing will be introduced or provided to members of the hearing board, except to challenge contradictory testimony at the discretion of the hearing board chair. The board will be directed not to repeat the specified errors that caused the case to be reheard.
 - c. Cases may be dismissed only if the finding is determined by the appeals officer to be arbitrary and capricious.
 - d. Decisions altering the determinations of any hearings shall be accompanied by a written explanation.

10. The imposition of sanctions will normally be deferred while appeals are pending, except that interim actions will continue until there is a final outcome.
11. Appeals will ordinarily be expected to be decided within ten (10) business days.

FIRE SAFETY REPORT

Fire safety is everyone's responsibility here at Binghamton University. As stated in Management Procedure #807, it is the policy of Binghamton University to maintain an environment for its faculty, staff, students and visitors that will not subject them to avoidable risk of injury. Lead departments in the effort for fire safety include Administration, University Police, Department of Environmental Health and Safety (EH&S) and Residential Life.

Information regarding general fire safety and evacuation procedures is available on the Environmental Health and Safety webpage: binghamton.edu/ehs.

The Fire Prevention page binghamton.edu/ehs/fire-prevention has flyers available for printing on topics such as:

- Campfires and Barbecue
- Cooking
- Evacuation Assistant Safety Check
- Evacuation Procedures
- Residential Hall Safety
- Safe Decorating Guide

Residential hall safety policies related to portable electrical appliances, smoking, open flames and evacuation in case of fire are found in the University Housing License Agreement: binghamton.edu/residential-life/housing/universityhousinglicense2016_2017_rev.pdf. Specifically, portable electrical appliances are addressed in section V #3 stating:

3. Prohibited Items.

- Items not permitted in all rooms, flats, suites or apartments include, but are not limited to, non-UL-approved electrical items, halogen lamps, multi-headed lamps with plastic shades, extension cords, personal refrigerators larger than 5.5 cu. ft., kerosene lamps, kerosene heaters, propane and other chemicals, mercury thermometers, fog and smoke machines, clothes washers and dryers, freezers, dishwashers, heaters, air conditioners and waterbeds.
- Deep-fat fryers, toaster ovens, gasoline stoves or open-flame cooking appliances, sternos, immersible heaters and open-coil hot pots and hot plates are also not permitted in all rooms, flats, suites or apartments.
- Coffeemakers with hot plates, or similar warming plates, are not permitted. Coffeemakers with internal heating devices, such as Keurig® or Tassimo®, are permissible.
- Toasters, rice cookers and crock pots are not permitted in any bedroom, or in flat or suite areas, but can be used within the common area kitchen in a hall or the kitchen area only of an apartment. In addition, all grills are prohibited for use on the grounds of residential communities, with this exception: charcoal grills may be used outdoors within the apartment communities as per the safety guidelines listed in the university's barbecue policy.

- UL-approved surge protected power strips and plug adapters are permitted, but cannot be connected to another similar item to add length to an outlet. Power strips and plug adapters without surge protection are prohibited.
- The possession or use of any type of firearm, ammunition, gunpowder, fireworks, air rifle, air pistol, blade-based weapon, sword, chukka stick or other dangerous object is prohibited.

Smoking and open flames are addressed in the above sections, as well as in section IV #10 stating:

10. Smoking.

- Binghamton University is tobacco free. This includes the use of hookah, e-hookah and e-cigarette devices.
- Residents and visitors who wish to smoke must leave campus to do so.

Open flames are addressed in the above sections, as well as in section V #4 stating:

4. Incense and Candles.

- Candles or incense of any type are not permitted in student rooms, flats, suites or apartments even if unlit, unused, or for decorative purposes.
- Permission must be obtained from the Resident Director or Community Director to use them in observing religious holidays. With this prior permission, students will be able to light candles or incense in a location established by the Office of Residential Life. In these instances, candles and incense may never be left unattended and any un-burnt remains must be extinguished and disposed of safely because it cannot be brought back to the bedroom, flat, suite, or apartment.

Procedures for student housing evacuation are addressed in section V #5 stating:

5. Fire Safety.

- All persons must evacuate the building when a fire alarm sounds.
- All persons may face disciplinary action and/or arrest if they fail to evacuate; cause false alarms; interfere with the proper functioning of a fire alarm system; tamper with or remove fire hoses, extinguishers, smoke or heat detectors, carbon monoxide detectors, or fire safety apparatus; disable room, suite or apartment detectors or alarms; or fail to inform the area staff when a smoke detector, carbon monoxide detector, or alarm is malfunctioning and/or activated.
- As required by NYS law, we must share with you what fire safety standards and systems are in our residential halls. In all of our residential facilities there are addressable systems that include strobe lights, audible devices, manual pull stations and smoke and heat detectors that directly report to the Binghamton University Police Department and the Vestal Fire Department. In addition to these devices Rockland, Saratoga, Cascade, Hunter, Marcy, Windham, Digman, Johnson, O'Connor, Rafuse, Bingham, Broome, Delaware, Endicott and Mohawk Halls have building wide sprinkler systems in place. Oneida, Onondaga, Cascade, Seneca, Cleveland, Hughes, Lehman, Roosevelt and Smith Halls have sprinkler systems in all trash rooms. Brandywine, Choconut, Glenwood, Nanticoke, Adirondack, Belmont,

Catskill, Darien, Evangola, Filmore, Glimmerglass, Hempstead, Jones, Keuka, Lakeside, Minnewaska, Nyack and Palisades Halls do not have sprinkler systems in place.”

Fire safety training is conducted annually for all Residential Hall Staff (e.g., resident assistants, residence hall directors) prior to the start of the fall semester. This training is conducted per the recommended guidelines from the NYS Office of Fire Prevention and Control (OFPC). It is conducted with the cooperation and participation of OFPC, as well as Vestal Fire Department (subject to their availability). Student residents receive fire safety training through residence hall-based training provided by EH&S staff members. Evacuation drills in Residential Halls are conducted four (4) times per year in accordance with the NYS Uniform Building Code.

Fire prevention training is available year-round for any faculty, staff or student through EH&S. In addition, basic fire safety and evacuation training is included in annual online Right to Know training and lab safety training programs. Fire safety and evacuation plans as required by regulation are provided to all building administrators and reviewed each semester or annually as appropriate.

The Binghamton University Faculty-Staff Handbook provides the following procedures that employees should follow in the case of a fire:

“In all cases of fire, call the Binghamton University Emergency Dispatch Center at 911 or at 607-777-2222. If you discover a fire, activate the nearest pull station to engage the building’s fire alarm system. Immediately exit the building, closing the doors behind you. DO NOT use elevators during an evacuation” (Section III.H.5). Students are trained to follow the same procedures via the methods described above.

Individuals who discover that a fire has occurred after the fact (e.g., the fire has been extinguished and no fire emergency exists) should immediately inform either University Police at 607-777-2393 or EH&S at 607-777-2211.

The Binghamton University Fire Log is available at the EH&S office, Decker Student Health Services Center, Ground Floor (IN 101).

In addition to the preceding information, the following table lists each residential hall and indicates the fire safety systems present, the number of drills held, and the number of fires that occurred for the past three years. Please note that a fire under this regulation is defined as one that occurs in a place not intended to contain the fire or involves any burning that is not under control.

The University is engaged in continual efforts to improve its student housing facility fire safety systems. Many buildings have been updated/upgraded in recent years and the University is currently updating/upgrading the addressable fire alarm systems in the College In the Woods (CIW) residential community. All buildings have fully addressable systems. Buildings indicating “partial” sprinkler system below have sprinklers in the trash rooms. Those indicating “total” have sprinklers in all occupiable spaces.

FIRE STATISTICS

| Residential Hall | Residential Community | Spring 2016 (Jan. - May) | Fall 2016 (Sept. - Dec.) | Total Building Fire Alarm (smoke/heat) | Monitored BU/PD | Sprinkler System | Standpipe | Fire Extinguishers | Fire Drills 2014 | Fires 2014 | Fire Drills 2015 | Fires 2015 | Fire Drills 2016 | Fires 2016 |
|--|-----------------------|--------------------------|--------------------------|--|-----------------|------------------|-----------|--------------------|------------------|------------|------------------|------------|------------------|------------|
| Cayuga | CIW | Open | Closed | Yes | Yes | Partial | No | 3 each floor | 4 | 0 | 4 | 0 | 2 | 0 |
| Mohawk | CIW | Open | Open | Yes | Yes | Total | Yes | 3 each floor | 4 | 0 | 4 | 1 | 4 | 0 |
| Oneida | CIW | Open | Open | Yes | Yes | Partial | No | 3 each floor | 4 | 1 | 4 | 0 | 4 | 0 |
| Onondaga | CIW | Open | Open | Yes | Yes | Partial | No | 3 each floor | 4 | 2 | 4 | 0 | 4 | 2 |
| Seneca | CIW | Open | Open | Yes | Yes | Partial | No | 3 each floor | 4 | 0 | 4 | 1 | 4 | 0 |
| Champlain (Permanently Closed 5/31/13) | Dickinson | Closed | Closed | Yes | Yes | Partial | No | 2 each floor | N/A | N/A | N/A | N/A | N/A | N/A |
| Digman-New (Opened 1/1/14) | Dickinson | Open | Open | Yes | Yes | Total | Yes | 4 each floor | 4 | 1 | 4 | 0 | 4 | 0 |
| Digman-Old | Dickinson | Closed | Open | Yes | Yes | Partial | No | 2 each floor | N/A | N/A | N/A | N/A | 2 | 0 |
| Johnson-New (Opened 8/1/13) | Dickinson | Open | Open | Yes | Yes | Total | Yes | 5 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Johnson-Old (Permanently Closed 5/31/13) | Dickinson | Closed | Closed | Yes | Yes | Partial | No | 2 each floor | N/A | N/A | N/A | N/A | N/A | N/A |
| O'Connor-New (Opened 8/1/13) | Dickinson | Open | Open | Yes | Yes | Total | No | 5 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Rafuse-Old (Permanently Closed 5/31/13) | Dickinson | Closed | Closed | Yes | Yes | Partial | No | 2 each floor | N/A | N/A | N/A | N/A | N/A | N/A |
| Rafuse-New (Opened 8/1/13) | Dickinson | Open | Open | Yes | Yes | Total | Yes | 5 each floor | 4 | 0 | 4 | 0 | 4 | 1 |
| Whitney (Permanently Closed 5/31/13) | Dickinson | Closed | Closed | Yes | Yes | Partial | No | 2 each floor | N/A | N/A | N/A | N/A | N/A | N/A |
| Adirondack | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Belmont | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Catskill | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Darien | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Evangola | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Fillmore | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Glimmerglass | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Hempstead | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Jones | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Keuka | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 1 |
| Lakeside | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Minnewaska | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Nyack | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Palisades | Hillside | Open | Open | Yes | Yes | No | No | 1 each landing | 4 | 0 | 4 | 0 | 4 | 0 |
| Rockland | Hillside | Open | Open | Yes | Yes | Total | No | 2 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Saratoga | Hillside | Open | Open | Yes | Yes | Total | No | 2 each floor | 4 | 0 | 4 | 1 | 4 | 0 |
| Cleveland | Hinman | Open | Open | Yes | Yes | Partial | No | 2 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Hughes | Hinman | Open | Open | Yes | Yes | Partial | No | 2 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Lehman | Hinman | Open | Open | Yes | Yes | Partial | No | 2 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Roosevelt | Hinman | Open | Open | Yes | Yes | Partial | No | 2 each floor | 4 | 0 | 4 | 1 | 4 | 1 |
| Smith | Hinman | Open | Open | Yes | Yes | Partial | No | 2 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Cascade | MTV | Open | Open | Yes | Yes | Total | Yes | 3 each floor | 4 | 0 | 4 | 1 | 4 | 0 |
| Hunter | MTV | Open | Open | Yes | Yes | Total | Yes | 3 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Marcy | MTV | Open | Open | Yes | Yes | Total | Yes | 3 each floor | 4 | 0 | 4 | 0 | 4 | 1 |
| Windham | MTV | Open | Open | Yes | Yes | Total | Yes | 3 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Bingham | Newing | Open | Open | Yes | Yes | Total | Yes | 4 each floor | 4 | 1 | 4 | 0 | 4 | 0 |
| Broome | Newing | Open | Open | Yes | Yes | Total | Yes | 4 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Delaware | Newing | Open | Open | Yes | Yes | Total | Yes | 4 each floor | 4 | 1 | 4 | 0 | 4 | 1 |
| Endicott | Newing | Open | Open | Yes | Yes | Total | Yes | 4 each floor | 4 | 0 | 4 | 0 | 4 | 0 |
| Brandywine | Susquehanna | Open | Open | Yes | Yes | No | No | 1 each pod | 4 | 0 | 4 | 0 | 4 | 0 |
| Choconut | Susquehanna | Open | Open | Yes | Yes | No | No | 1 each pod | 4 | 0 | 4 | 0 | 4 | 0 |
| Glenwood | Susquehanna | Open | Open | Yes | Yes | No | No | 1 each pod | 4 | 0 | 4 | 0 | 4 | 0 |
| Nanticoke | Susquehanna | Open | Open | Yes | Yes | No | No | 1 each pod | 4 | 0 | 4 | 0 | 4 | 0 |

Note: All fire alarm systems are addressable.

The following is the fire log for incidents recorded on campus since 2014:

| Residential facility | Date | Time | Cause of fire | Number of injuries that required treatment at a medical facility | Number of deaths related to a fire | Property damage | Incident # |
|----------------------|----------|-------|---------------|--|------------------------------------|-------------------|------------|
| Digman | 2/26/14 | 2:30 | Arson | 0 | 0 | \$25,000-\$49,999 | 22262 |
| Onondaga | 4/11/14 | 2:05 | Arson | 0 | 0 | \$0-\$99 | 22730 |
| Oneida | 5/10/14 | 12:17 | Arson | 0 | 0 | \$0-\$99 | 22973 |
| Onondaga | 6/6/14 | 23:07 | Electrical | 0 | 0 | \$0-\$99 | 23092 |
| Bingham | 8/4/14 | 2307 | Accidental | 0 | 0 | \$0-\$99 | 23230 |
| Delaware | 10/14/14 | 20:19 | Accidental | 0 | 0 | \$100-\$999 | 23883 |
| Roosevelt | 1/28/15 | 18:45 | Electrical | 0 | 0 | \$100-\$999 | 24775 |
| Mohawk | 2/4/15 | 0:10 | Open Flame | 0 | 0 | \$0-\$99 | 24846 |
| Cascade | 3/4/15 | 12:05 | Cooking | 0 | 0 | \$100-\$999 | 25172 |
| Seneca | 12/12/15 | 1:24 | Open Flame | 0 | 0 | \$100-\$999 | 27513 |
| Saratoga | 12/12/15 | 14:00 | Cooking | 0 | 0 | \$0-\$99 | 27517 |
| Rafuse | 5/16/16 | 11:13 | Open Flames | 0 | 0 | \$0-\$99 | 28834 |
| Marcy | 6/3/16 | 18:28 | Electrical | 0 | 0 | \$0-\$99 | 28914 |
| Keuka | 5/26/16 | 9:25 | Cooking | 0 | 0 | \$100-\$999 | 28896 |
| Delaware | 8/29/16 | 15:20 | Other | 0 | 0 | \$0-\$99 | 29227 |
| Roosevelt | 10/17/16 | 0:52 | Electrical | 0 | 0 | \$100-\$999 | 29744 |
| Onondaga | 11/15/16 | 15:12 | Open Flames | 0 | 0 | \$0-\$99 | 30112 |
| Onondaga | 12/15/16 | 23:36 | Open Flames | 0 | 0 | \$0-\$99 | 30373 |

INCIDENTS AND ARRESTS ON CAMPUS AND OFF CAMPUS

The following information is reported in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act for short) and its amendments. The following data are presented to review crime activity on campus, both in residence and non-residence halls. This also includes non-campus buildings or property, which includes properties owned by student organizations officially recognized by or registered with the University and those owned by the University outside the University boundaries. Additionally, this includes public property, including thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the University. Formal requests for these crime statistics were made to the Vestal, Johnson City, Endicott and Binghamton Police and the Broome County Sheriff departments.

This section on University crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As required, hate crimes are reported. A hate crime occurs when a person is victimized intentionally because of their actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. The definitions of these offenses, which are defined in the “Uniform Crime Report” and the Clery Act, appear later in this report.

RESULTS OF DISCIPLINARY PROCEEDINGS

Binghamton University will, upon written request, disclose to the alleged victim of a crime of violence or sex offense, the report on the results of a disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

CRIME AND REFERRAL DEFINITIONS

In order to thoroughly understand the statistics presented in these reports it is important to know that, for some definitions, the Clery Act requires the University to use definitions different from New York State Law and/or the Student Code of Conduct when compiling these statistics. Following are Clery Act definitions of crimes and referrals and, where appropriate, New York State Law definitions and/or Binghamton University Code of Student Conduct definitions for comparison.

AGGRAVATED ASSAULT

Clery Act Definition: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

ARSON

Clery Act Definition: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another etc.

BURGLARY

Clery Act definition: The unlawful entry of a structure to commit a felony or a theft.

DATING VIOLENCE

Clery Act definition: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Student Code of Conduct definition: The term "dating violence" means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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 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. This definition does not include acts covered under domestic violence.

NYS Penal Law Definition: Any number of NYS Penal Law citations may be involved when reporting Dating Violence and/or Domestic violence. These include, but are not limited to: rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct and larceny.

DOMESTIC VIOLENCE

Clery Act definition: A felony or misdemeanor crime of violence committed...

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Student Code of Conduct definition: The term "domestic violence" means any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim or a person cohabiting with the victim as a spouse or intimate partner.

NYS Penal Law Definition: Any number of NYS Penal Law citations may be involved when reporting Dating Violence and/or Domestic violence. These include, but are not limited to: rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct and larceny.

DRUG ABUSE VIOLATIONS

Clery Act definition: The violation 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. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

ILLEGAL WEAPONS POSSESSION/WEAPON LAW VIOLATIONS

Clery Act definition: The violation 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. This classification encompasses weapons offenses that are regulatory in nature.

NYS Penal Law Definition: There are *numerous* prohibitions in NYS penal law regarding possessing weapons. These include:

265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when: (1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or (2) He or she possesses any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another..... Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

There are also laws specific to weapon possession on educational property. These include:

265.01-a – A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution. Criminal possession of a weapon on school grounds is a class E felony.

265.06 – It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation.

This *is not* an exhaustive list of NYS weapon prohibitions.

LIQUOR LAW VIOLATIONS

Clery Act definition: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

MOTOR VEHICLE THEFT

Clery Act definition: The theft or attempted theft of a motor vehicle. (Including any self-propelled vehicle that runs on land surface and not on rails, such as motor scooters, trail bikes, mopeds, snowmobiles, golf carts and motorized wheelchairs.)

MURDER AND NON-NEGLIGENT MANSLAUGHTER

Clery Act definition: The willful (non-negligent) killing of one human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

MANSLAUGHTER BY NEGLIGENCE

Clery Act definition: The killing of another person through gross negligence. It is any death caused by gross negligence. In other words, it’s something a reasonable and prudent person would not do.

ROBBERY

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

SEXUAL ASSAULT

Student Code of Conduct definition: The term “sexual assault” is defined as a physical sexual act or acts 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 what is commonly called “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.

RAPE

Clery Act definition: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

NYS Penal Law definitions: The citations that most closely meet the Clery Act definition of Rape are:

S 130.25 Rape in the third degree. A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she engages in sexual intercourse with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.

S 130.30 Rape in the second degree. A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

S 130.35 Rape in the first degree. A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

FONDLING

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

There is no NYS Penal Law called “fondling.” The closest NYS Penal Law citation that meets this Clery Act Definition would be:

S 130.52 Forcible touching. A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. 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; or
2. subjects another person to sexual contact for the purpose of gratifying the actor’s sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching. Forcible touching is a class A misdemeanor.

INCEST

Clery Act definition: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of Incest is:

S 255.25 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 is a class E felony.

STATUTORY RAPE

Clery Act definition: Sexual intercourse with a person who is under the statutory age of consent (17 years old in N.Y.).

NYS Penal Law definition: There is no definition of Statutory Rape in the NYS Penal Law. See the above citations, under “Rape,” that most closely meets the Clery Act definition of Statutory Rape.

CONSENT

Student Code of Conduct Definition: The term “Affirmative consent” means a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.” Note: this definition is required by NYS Education law.

NYS Penal Law definition: S 130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
 - a. Forcible compulsion; or
 - b. Incapacity to consent; or
 - c. Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or
 - d. Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances.

STALKING

Clery Act definition: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to...

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress

Student Code of Conduct definition: The term “stalking” means intentionally and for no legitimate purpose engaging in a course of conduct (two or more acts by which the stalker directly, indirectly

or through third parties follows, monitors, observes, surveils, threatens or communicates about a person or interferes with his or her property) directed at a specific person and which one knows or should reasonably know 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.

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of Stalking is: S 120.45 Stalking in the fourth degree.

A person is guilty of stalking in the fourth degree when he or she 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:

1. 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
2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning 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

CRIME STATISTICS

| | 2014 - Calendar Year | | | | | 2015 - Calendar Year | | | | | 2016 - Calendar Year | | | | | | | |
|-----------------------------------|----------------------|-----------------|-----------------|------------|-----------|----------------------|-----------------|-----------------|-----------------|------------|----------------------|-------|-----------------|-----------------|-----------------|------------|-----------|-------|
| | Residence Halls | Other On-Campus | Public Property | Non-Campus | Unfounded | Total | Residence Halls | Other On-Campus | Public Property | Non-Campus | Unfounded | Total | Residence Halls | Other On-Campus | Public Property | Non-Campus | Unfounded | Total |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 1 | 0 | 0 | 0 | 0 | 1 | 7 | 0 | 0 | 0 | 0 | 7 | 12 | 0 | 0 | 0 | 0 | 12 |
| Fondling | 2 | 2 | 0 | 0 | 0 | 4 | 3 | 0 | 0 | 0 | 0 | 3 | 2 | 2 | 0 | 0 | 0 | 4 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 2 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Burglary | 6 | 7 | 0 | 0 | 1 | 13 | 8 | 2 | 0 | 0 | 1 | 10 | 5 | 5 | 0 | 0 | 0 | 10 |
| Motor Vehicle Theft | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 3 | 1 | 0 | 0 | 0 | 4 | 2 | 0 | 0 | 0 | 0 | 2 | 3 | 0 | 0 | 0 | 0 | 3 |
| VAWA Offenses | | | | | | | | | | | | | | | | | | |
| Domestic Violence | 4 | 3 | 0 | 0 | 0 | 7 | 3 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 3 | 2 | 0 | 0 | 0 | 5 | 1 | 1 | 0 | 0 | 0 | 2 | 0 | 2 | 1 | 0 | 0 | 3 |
| Stalking | 2 | 7 | 0 | 0 | 0 | 9 | 4 | 2 | 0 | 0 | 0 | 6 | 2 | 10 | 0 | 0 | 0 | 12 |
| Arrests | | | | | | | | | | | | | | | | | | |
| Weapons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 |
| Drugs | 56 | 63 | 0 | 0 | 1 | 120 | 36 | 38 | 0 | 0 | 0 | 74 | 23 | 33 | 0 | 0 | 0 | 56 |
| Alcohol | 1 | 6 | 0 | 0 | 0 | 7 | 1 | 4 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Conduct Referrals | | | | | | | | | | | | | | | | | | |
| Weapons | 7 | 0 | 0 | 0 | 0 | 7 | 2 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 2 |
| Drugs | 102 | 64 | 0 | 0 | 0 | 166 | 113 | 64 | 0 | 0 | 0 | 177 | 123 | 44 | 0 | 0 | 0 | 167 |
| Alcohol | 200 | 14 | 0 | 0 | 0 | 214 | 215 | 5 | 0 | 0 | 0 | 220 | 236 | 10 | 0 | 0 | 0 | 246 |
| Hate Crimes | | | | | | | | | | | | | | | | | | |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vandalism | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Key: (1) Race (2) Religion (3) Sexual orientation (4) Gender (5) Gender Identity (6) Disability (7) Ethnicity (8) National Origin

- 3. 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, telephoning 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.

For the purposes of subdivision two of this section, “following” shall include the unauthorized tracking of such person’s movements or location through the use of a global positioning system or other device. Stalking in the fourth degree is a class B misdemeanor.

HATE CRIME DEFINITION

For the purpose of statistical disclosures the Clery Act requires the University to use the following definition of hate crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. This bias may be based upon the victim’s actual or perceived characteristic(s). Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

The following four crimes are only reported in the statistical disclosure if they are determined to be hate crimes.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

UNFOUNDED CRIMES

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

CRIMINAL OFFENSES UDC

| | 2014 - Calendar Year | | | | 2015 - Calendar Year | | | | 2016 - Calendar Year | | | |
|-----------------------------------|----------------------|-----------------|-----------|-------|----------------------|-----------------|-----------|-------|----------------------|-----------------|-----------|-------|
| | On-Campus | Public Property | Unfounded | Total | On-Campus | Public Property | Unfounded | Total | On-Campus | Public Property | Unfounded | Total |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| VAWA Offenses | | | | | | | | | | | | |
| Domestic Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrests | | | | | | | | | | | | |
| Weapons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drugs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Conduct Referrals | | | | | | | | | | | | |
| Weapons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drugs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hate Crimes | | | | | | | | | | | | |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vandalism | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Key: (1) Race (2) Religion (3) Sexual orientation (4) Gender (5) Gender Identity (6) Disability (7) Ethnicity (8) National Origin

CLERY GEOGRAPHY

On-Campus—means all property, including on-campus housing facilities, owned or controlled by an institution within the same reasonably contiguous geographic area used by the institution in direct support of, or in a manner related to, institutional educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, and is used by students and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facilities (Residence Halls)— means property owned or controlled by the institution used to provide housing for the institution’s students. This is a sub-set of On-Campus.

Non-Campus—means 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 being used in direct support of, or in relation to, the institution’s educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

Public Property—means all public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

APPENDIX A

NYS PENAL LAW DEFINITIONS FOR SEX OFFENSES

130.00 Sex offenses; definitions of terms. The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
 - a. use of physical force; or
 - b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.
9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

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

APPENDIX B

ADDITIONAL INFORMATION ON NYS PENAL LAW DEFINITION OF CONSENT

3. A person is deemed incapable of consent when he or she is:
 - a. less than seventeen years old; or
 - b. mentally disabled; or
 - c. mentally incapacitated; or
 - d. physically helpless; or
 - e. committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital.

For purposes of this paragraph, "employee" means

(i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties:

(A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or

(B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or

(ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or

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

- f. committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who

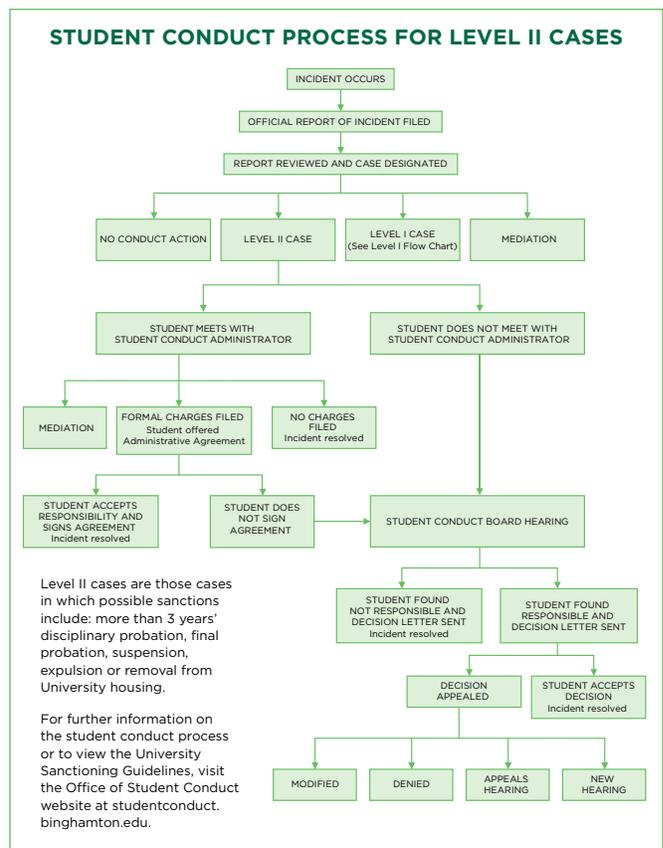
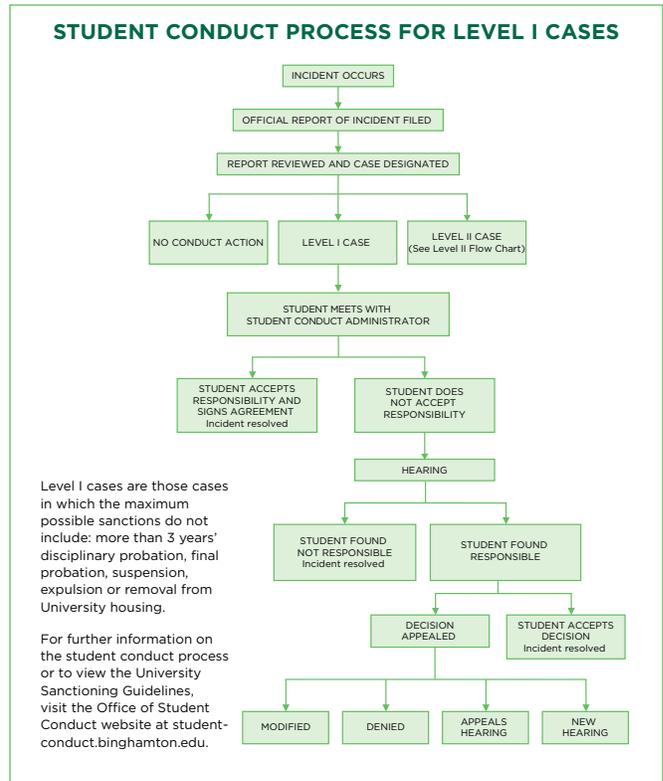
performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, “employee” shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

- g. committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, “employee” means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or
- h. a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview or examination; or
- i. a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient.

For purposes of this paragraph, “employee” means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, rehabilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, “employee” shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

APPENDIX C

STUDENT CONDUCT PROCESS FLOW CHARTS



BINGHAMTON
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Binghamton University is strongly committed to affirmative action. We offer access to services and recruit students and employees without regard to race, color, gender, religion, age, disability, marital status, sexual orientation or national origin.