Nyack College Annual Security and Fire Safety Report
2019
(Reporting statistics from 2016 through 2018)
Nyack College
OPE ID: 00279000
Rockland Undergraduate Campus: 1 South Blvd, Nyack, NY 10960-3698
Rockland Graduate Campus: 2 Washington St, New York, NY 10004
Manhattan Campus: 2 Washington St, New York, NY 10004

Campus Safety Officer
Name: Samuel Akwaa
Title: Supervisor of Security, SSC
1 SOUTH BLVD
NYACK, NY 10960-3698
Phone: (845) 675-4595

Campus Fire Safety Officer
Name: Samuel Akwaa
Title: Supervisor of Security, SSC
1 SOUTH BLVD
NYACK, NY 10960-3698
Phone: (845) 675-4595

Lead Title IX Coordinator
Name: Karen Davie
Title: Director of Human Resources/Title IX Coordinator
1 SOUTH BLVD
NYACK, NY 10960-3698
Phone: (845) 675-4608

On-campus Student Housing Facilities
The Rockland undergraduate campus provides on-campus student housing facilities. On-campus student housing facilities statistics are a subset of on-campus statistics.

Local Police Crime Statistics
Local statistics are included with the campus’s statistics.
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Employee Conduct Process

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Authority of Dean of Students

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Privileged and Confidential Resources

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Public Awareness/Advocacy Events:

Confidentiality and Non-Retaliation

Institutional Crime Reporting

POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES

ONBOARDING AND ONGOING EDUCATION GUIDE

WHEN A STUDENT IS DISCIPLINED AS A RESULT OF VIOLATION OF ALCOHOL AND DRUGS, STUDENTS ARE PUT ON A GROWTH CONTRACT AND ALSO MUST TAKE AN ONLINE COURSE ON ALCOHOL AND OTHER DRUGS PREVENTION ON CAMPUS

HATE CRIMES

Clergy Definitions

Hate Crimes

Other Clergy Act Definitions

New York State Penal Law Definitions
At Nyack College we believe that a safe campus is your right -- and your responsibility. Campus security is a team effort that involves the cooperation of all concerned: students, faculty and staff. Our goal is to foster a stable environment in which security is balanced with freedom of movement on an open campus.

Security and Access
Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. Nyack College encourages an open environment with limited constraints while still ensuring the reasonable protection of all members of the community.

The public can attend cultural and recreational events on campus with access limited to the facilities in which these events are held. To report any violations of this policy or to report suspicious persons, contact:
- Rockland Campuses: Campus Safety at (845) 222-8812 or x7191 from an on-campus phone
- Manhattan Campus: Campus Safety at (646) 378-6198 or x6198 from an on-campus phone

Academic/Administrative Areas
Students, faculty and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. All students and employees must obtain a Nyack College ID Card. ID cards must be carried at all times while on College property and presented when requested by College authority. During non-business hours access to the College facilities is by key, if issued.

All maintenance vendors are required to report to the Facilities office and log in. At that time they are escorted to their work site and monitored at their work site by Campus Safety or Facilities personnel. At the conclusion of their work day on site, the maintenance vendors are required to report back to the Facilities office and log out for the day.

Residence Halls (Rockland Undergraduate Campus)
Residence Halls are staffed from 7:00 p.m. - 5:00 a.m. by Residence Life Staff and/or desk proctors. All guests and visitors, including parents and family members, must provide photo ID. All guests in the building after 7:00 p.m. must be registered with the RA or desk proctor. Any non-resident who is in the building prior to 7:00 p.m. must register at 7:00 p.m. when the front desk begins operations. Residents assume responsibility for their guests’ behavior and actions during their visit.

All students, regardless of the number of credits they have completed, are required to check in at the front desk of their residence halls after the front doors are locked at 12:00 a.m. Failure to provide appropriate ID and sign in at the front desk may result in disciplinary action by the RD. All residents/guests are requested to show proper ID to the Desk Proctor. When a guest is leaving between 12:00 a.m. – 6:00 a.m. the guest needs to be accompanied by a student.

Note: Information submitted to desk proctor should be accurate and consistent with room assignment by identifying resident with their student ID card.

Soliciting and Commercial Activity
The advertising, marketing, or merchandising of credit cards to students on the campus of Nyack College is strictly prohibited except as provided in paragraph 3 of this section.

Any individual visitor, licensee, or invitee on said campus found violating this policy shall be banned from the campus for a period of two years and any credit card issuer represented by said visitor, licensee, or invitee shall be banned from the campus for a period of one year. Any student, faculty, or other staff found violating this policy shall receive a warning and be prohibited from any and all future credit card marketing on the campus.
This policy does not apply to any advertising, marketing, or merchandising of credit cards by either the college or an agent of the college to non-students, nor does it prohibit the advertising, marketing, or merchandising of credit cards to students through direct mail, newspapers, or magazines.

No soliciting or commercial activity by outside organizations or individuals is allowed on campus or in Nyack College facilities (including online or network facilities) without specific written authorization from the College. No soliciting or commercial activity by students is permitted on campus or in Nyack College facilities (including online or network facilities) without the prior specific written authorization from the Dean of Students.
Annual Fire Safety Report

The Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) requires higher education institutions to collect, report and disseminate reported crime data and information and fire statistics to the campus community, the Department of Education, and prospective students and employees. This report contains crime data as classified by the definitions from the Federal Bureau of Investigations Uniform Crime Reporting Handbook (UCR). As per Clery Act regulations, this report contains data from the 2018, 2017, and 2016 calendar years. The compliance document is available for review 24-hours a day on the College’s website at http://www.nyack.edu/safetyandsecurity.

Fire Statistics

<table>
<thead>
<tr>
<th>Fire Statistics 2018</th>
<th>Unintentional Fire</th>
<th>Intentional Fire</th>
<th>Undermined Fire</th>
<th>Number of Deaths</th>
<th>Number of Injured</th>
<th>Value of Property Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simpson Hall</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
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</tr>
<tr>
<td>Dunbar Apartments</td>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
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<tr>
<td>Harmony Hall</td>
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<tr>
<th>Student Residence Facility</th>
<th>2016 Fire Injuries Deaths</th>
<th>2017 Fire Injuries Deaths</th>
<th>2018 Fire Injuries Deaths</th>
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<tr>
<td>Christie Hall</td>
<td>0 0 0</td>
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<td>Moseley Hall</td>
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</tr>
<tr>
<td>Dunbar Apartments</td>
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<td>Hillside Apartments</td>
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<td>Barney Hall</td>
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<td>Shepherd Hall</td>
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<tr>
<td>Bethany Hall</td>
<td>0 0 0</td>
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</table>
Kerry Rose Fire Sprinkler Notification Act

The Kerry Rose Fire Sprinkler Notification Act of 2013 (enacted August 25, 2013) requires the College to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. This notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system.

<table>
<thead>
<tr>
<th>Student Residence Facility</th>
<th>Fire Alarming Performed On-Site</th>
<th>Partial Sprinkler System*</th>
<th>Full Sprinkler System**</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Drills Conducted this Year</th>
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<tbody>
<tr>
<td>Simpson Hall</td>
<td>Yes</td>
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<td>Moseley Hall South</td>
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<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Hillside Apartments</td>
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<td>Yes</td>
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<td>Jaffray Hall</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Barney Hall</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tr>
</tbody>
</table>

*Partial Sprinkler System: Sprinklers in Common/Public Areas and Exit Corridors only

**Full Sprinkler System: Sprinklers in Common/Public Areas, Exit Corridors and Individual Rooms

Fire Safety Instructions, Emergency Procedures, as well as the Annual Security and Fire Safety Report, can be found online at www.nyack.edu/safetyandsecurity. This report is updated annually on October 1. Questions can be directed to the Department of Auxiliary Services at (845) 675-4500 or auxsvs@nyack.edu.
## Nyack College Facility Name and Addresses

<table>
<thead>
<tr>
<th>Type</th>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>Office</td>
<td>Boon Campus Center</td>
<td>1 South Boulevard, Nyack</td>
</tr>
<tr>
<td>Staff Housing</td>
<td>Griswold</td>
<td>5 South Boulevard, Nyack</td>
</tr>
<tr>
<td>Staff Housing</td>
<td>Bethesda</td>
<td>7 South Boulevard, Nyack</td>
</tr>
<tr>
<td>Student Housing</td>
<td>8 Hillside Apts. - A, B, C, D, E, F, G, H</td>
<td>8 South Boulevard, Nyack</td>
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<td>Student Housing</td>
<td>10 Hillside Apts. - J, K, L, M, D2</td>
<td>10 South Boulevard, Nyack</td>
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<tr>
<td>Student Housing</td>
<td>Christie Hall</td>
<td>31 South Boulevard, Nyack</td>
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<td>Staff Housing</td>
<td>Driscoll</td>
<td>37 South Boulevard, Nyack</td>
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<tr>
<td>Office</td>
<td>Pardington</td>
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<tr>
<td>Office</td>
<td>Music Ed. Bldg.</td>
<td>47 South Boulevard, Nyack</td>
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<tr>
<td>Office</td>
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<td>Student Housing</td>
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<td>Betty Knopp House</td>
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<tr>
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<td>Betty Olsen House</td>
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<td>Student Housing</td>
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<tr>
<td>Office</td>
<td>North Drive/Bell Tower House</td>
<td>14 S. Highland Avenue, Nyack</td>
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<td>Office</td>
<td>Bailey Library</td>
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<tr>
<td>Office</td>
<td>Roseberry</td>
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<td>Office</td>
<td>Facilities</td>
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<td>Athletic</td>
<td>Bowman Gym</td>
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<td>Office</td>
<td>Tractor Barn</td>
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<td>Staff Housing</td>
<td>Oakwood (Apt. 2)</td>
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<td>Oakwood (Apt. 1)</td>
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<td>980 Bradley Hill Road, Nyack</td>
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<td></td>
<td></td>
<td>Alliance Theological Seminary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manhattan Campus</td>
</tr>
</tbody>
</table>
Fire Safety (Rockland Campuses)
A fire may include visible flames or strong odors of burning. The appropriate emergency action is for persons to evacuate the building quickly and safely, call the Fire Department (911) first and notify Campus Safety by dialing x7191 from a campus phone or (845) 222-8812 from a private or public phone.

If the Fire Can be Extinguished
- If you are the person who discovered the fire, extinguish it only if you can do so safely and quickly.
- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- Use an appropriate fire extinguisher to control the fire only if you have had fire extinguisher training, the fire is confinable and your personal safety is not placed in jeopardy.
- If the fire is extinguished, call Campus Safety by dialing x7191 from a campus phone or (845) 222-8812 from a private or public phone.

If the Fire Cannot be Extinguished
- Confine the fire by closing the doors.
- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- Call Campus Safety by dialing x7191 from a campus phone or (845) 222-8812 from a private or public phone.
- Alert others.
- Exit the building, assisting anyone who needs help in the evacuation.
- Meet the Fire Department when they arrive.

For Occupants of the Building
- Close the doors to your immediate area.
- EVACUATE the building via the nearest exit. Assist others in exiting the building.
- DO NOT use elevators.
- Avoid smoke filled areas. See evacuating below.
- If you can't escape, use wet towels or tape to seal the door and any room supply vent.
- If there is no fire below, go to the window and open it. Stay near the open window. Hang a blanket or a towel out the window to let people know that you are there and need help.
- Be calm and wait for someone to rescue you.
For Persons Evacuating from the Immediate Area

- Feel door from top to bottom. If it is hot, DO NOT proceed; go back.
- If the door is cool, crouch low and open the door slowly. Close the door quickly if smoke is present so you do not inhale it.
- If no smoke is present, exit the building via the nearest stairwell or exit.
- If you encounter heavy smoke in a stairwell, go back and try another stairwell.

Fire Safety (Manhattan Campus)

A fire may include visible flames or strong odors of burning. The appropriate emergency action is for persons to evacuate the building quickly and safely, call the Fire Department (911) first and notify Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.

If the Fire Can be Extinguished

- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- If you are the person who discovered the fire, extinguish it only if you can do so safely and quickly.
- Use an appropriate fire extinguisher to control the fire only if you have had fire extinguisher training, the fire is confinable and your personal safety is not placed in jeopardy.
- If the fire is extinguished, call Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.

If the Fire Cannot be Extinguished

- Confine the fire by closing the doors.
- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- Call Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.
- Alert the Fire Warden and follow all instructions from the Fire Warden.

For Occupants of the Building

- Follow all instructions given over the PA system by the Fire Safety Director.
- Close the doors to your immediate area.
- EVACUATE the building via the nearest exit, only if instructed. Assist others in exiting the building.
- DO NOT use elevators.
- Avoid smoke filled areas. See evacuating below.
- If you cannot escape, stay near the window. Be calm and wait for someone to rescue you.

For Persons Evacuating from the Immediate Area

- Assigned searchers on each floor with check all offices, classrooms, rest rooms, etc. to ensure all individuals present are evacuating.
- Feel door from top to bottom. If it is hot, DO NOT proceed; go back.
- If the door is cool, crouch low and open the door slowly. Close the door quickly if smoke is present so you do not inhale it.
- If no smoke is present, exit the building via the nearest stairwell or exit.
- If you encounter heavy smoke in a stairwell, go back and try another stairwell.

Residence Hall Procedures (Rockland Undergraduate Campus)

Electronic Items in Residence Halls

In the interest of fire safety, ONLY the following appliances may be used within designated areas: refrigerators, automatic coffee pots, hot pots, hand vacuums, small sweepers, compact vacuums, electric curlers, curling irons and blow dryers (in Christie Hall blow dryers may only be used in the bathrooms). Electric irons with automatic shut-off are provided within each residence hall. Vacuums are available for use in each residence. If unauthorized items are found, they will be confiscated by Residence Life Staff.
NOTE: Among the appliances NOT permitted are halogen lamps, microwave ovens, toasters, toaster ovens, crock pots, irons, rice cookers, waffle irons, heaters, air conditioners, hot plates, electrical grills and extension cords. These items will be confiscated by Residence Life Staff.

Fire Safety in Residence Halls
Each residence hall will hold fire drills on a periodic basis. Evacuation instructions are posted in each residence room and in public areas. Additionally, each floor is equipped with a fire extinguisher.

When a fire alarm is given, the following procedures are to be followed:

- All persons must evacuate the building immediately.
- Doors must be closed (and unlocked) with the room lights turned on.
- Buildings may only be re-entered when permission is granted by an authorized college or fire department official.

To emphasize the seriousness of fire safety, any person (faculty, staff or student) found violating any provision of these regulations will be charged a fine of $250. Other disciplinary measures and financial restitution may also be required. Violations of these restrictions will also result in a fine of $250 and possible suspension or expulsion. These restrictions include, but are not limited to:

- Moving, adjusting or otherwise tampering with any fire safety equipment
- Use or possession of any fireworks
- Use or possession of any candles or incense inside resident rooms. No candles or incense of any kind is permitted in residence halls (only Glade plug-ins are permitted).
- Use or possession of any open flame or flame-producing device
- Use of extension cords (only use of surge protectors is permitted)
- Blocking or restricting passage in a hallway, stairway or doorway (i.e. garbage, shoes, open umbrella, etc.)
- Failure to respond immediately to a fire alarm
- Propping any of the fire doors at any time
- Initiating or reporting a false alarm – The intentional or reckless pulling of a fire alarm is considered a criminal offense. Any student who sets off the fire alarm by neglect will be fined $250.

Fire Safety Training/Education
Fire safety and training endeavors are an ongoing effort at Nyack College.

- Resident Life Professional staff and Resident Assistants are provided evacuation and basic fire safety training at the beginning of the year.
- All new students are given mandatory fire safety training in conjunction with other training during the Fall and Spring New Student Orientation Sessions, which are mandatory.
- The Nyack College Annual Security and Fire Safety 2019 Report is made available via email to every employee and student on October 1, 2019 as well as a copy made available on the Safety and Security website at www.nyack.edu/safetyandsecurity
- Faculty/Staff training occurs at the beginning of the year retreat in August before the start of each school year.

Residence Hall Visits/Safety Inspections
- Residence Hall room inspections are held once per month to insure that the Health and Fire safety Regulations of New York are being met (all fire hazards will result in a $250 fine).
- Items allowed and not allowed (including appliances and electrical items) are included in the 2019-20 Handbook available on the Student Portal.

Evacuation Procedures
In the event of a life-threatening situation, dial 911 directly. Then notify the Nyack College Campus Safety Department by dialing

- Rockland Campuses: x7191 from a campus phone or (845) 222-8812 from a private or public phone.
- Manhattan Campus: x6198 from a campus phone or (646) 378-6198 from a private or public phone.
Prompt reporting helps improve campus safety.

Manhattan Campus: Instructions regarding when and how to evacuate will be given over the PA system. There are three options during any emergency:

1. Shelter in Place: You will be instructed on how to secure your area to ensure the safety of you and the individuals around you. This may include locking doors, covering vents, etc.
2. In Building Relocation: You will be instructed to move to another location in the building, typically three floors below the emergency floor.
3. Evacuate the Building: You will be instructed to evacuate using the below procedures.

Instructions to evacuate if not instigated by an audio alarm will be given via NyackAlert.

Evacuation Instructions

1. Do not use elevators during a building evacuation. In many cases, the elevators will go immediately to the first floor of the building the moment an alarm sounds and remain there until they are reset. It is dangerous to use any elevator during an emergency evacuation.

2. Assist those with disabilities in exiting the building.
   1. To assist the visually impaired:
      - Announce the type of emergency.
      - Offer your arm for guidance.
      - Tell the person where you are going and obstacles you encounter.
      - When you reach safety, ask if further help is needed.
   2. To assist the hearing impaired:
      - Turn lights on/off to gain the person's attention.
      - Indicate directions with gestures or write a note with evacuation instructions.
   3. People using crutches, canes or walkers:
      - Evacuate these individuals as injured persons.
      - Assist and accompany to evacuation site if possible.
      - Use a sturdy chair (or one with wheels) to move the person or help carry individual.
   4. Wheelchair users:
      - Non-ambulatory persons’ needs and preferences vary.
      - Individuals at ground floor locations may exit without help. Others have minimal ability to move and lifting may be dangerous.
      - Some non-ambulatory persons have respiratory complications. Remove them from smoke and vapors immediately.
      - Wheelchair users with electrical respirators get priority assistance.
      - Most wheelchairs are too heavy to take down stairs. Consult with the person to determine best carry options.
      - Reunite the person with the chair as soon as it is safe to do so.

3. If you are unable to leave the building due to a physical disability, call Campus Safety to request rescue assistance. Be sure to give name, specific location and any other important information. If possible, signal out or through the window to onsite emergency responders. Try to establish a “buddy” system to have someone ready to assist you.

4. Check offices, classrooms and restrooms.
5. Turn equipment off, if possible.
6. Close doors but do not lock them.
7. Instructors should assist students (see further instructions for Faculty/Instructors at the end of section).
8. Leave by the nearest marked exit and alert others to do the same.
9. Once outside, proceed to the predetermined assembly area that should be at least 500 feet away from the affected building and await instructions. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Evacuation sites for each building are listed below.

10. Do not reenter the building until emergency personnel give the “all clear” signal.

**Evacuation Assembly Areas (Rockland Undergraduate Campus)**

- Roseberry evacuates to North Campus parking lot
- Bailey Library evacuates to North Campus parking lot
- Bell Tower House evacuates to North Campus parking lot
- Bethany evacuates to Pardington south lawn
- Bethel evacuates to Pardington south lawn
- Betty Knopp evacuates to the Gazebo
- Betty Olsen evacuates to Boon upper parking lot
- Boon Campus Center evacuates to Boon parking areas
- Bowman Gymnasium and Field House evacuate to Moseley field
- Brewer evacuates to Bethel back yard
- Facilities evacuates to parking area
- Christie Hall evacuates to the front lawn (riverside) of Bethesda
- Driscoll evacuates to the front of the Music Annex
- Dunbar evacuates to Central Avenue stairs
- Duplex evacuates to Dunbar parking lot
- Griswold evacuates to the Gazebo
- Harmony evacuates to Pardington south lawn
- Jaffray evacuates to parking lot near building
- Lookout evacuates to Pardington south lawn
- Moseley evacuates to Moseley field
- Music Education Building evacuates to Pardington south lawn
- Oakwood evacuates to Brewer parking lot
- Pardington Practice Hall evacuates to Pardington south lawn
- Pardington evacuates to Pardington south lawn
- Shuman evacuates to the upper parking lot behind the building
- Simpson evacuates to Pardington south lawn or back lot
- Sunnyside evacuates to Central Avenue stairs

**Evacuation Assembly Areas (Manhattan Campus)**

The Fire Marshall will give instructions to the Building Supervisors during a building evacuation. On an initial evacuation where you are asked to leave the building, Exit the building via the stairwells and cross the street to a safe area.

In an evacuation where you are asked to evacuate the area, the following are the official assembly areas:

- If north or west of the building, the evacuation assembly area is the West Thames Park.
- If south or east of the building, the evacuation assembly area is the Korean Memorial in Battery Park.

**Procedures for Building/Area Safety Coordinator**

Once a building has evacuated to the area designated for that unit, the Building/Area Safety Coordinator will organize faculty/staff into smaller groups according to department/office. Should the Building/Area Safety Coordinator not be present at the time of the evacuation, the next staff in line (alternate) should begin organizing faculty/staff into smaller units at the evacuation site.
Physical head counts after evacuation

1. Updates to the Building Occupant List are made as needed by the Building/Area Safety Coordinator in consultation with Human Resources if necessary. The coordinator must have an accurate count at all times of how many individuals need to be accounted for in the event of an evacuation including student workers and any non-regular workers in the building.

2. In the event of an evacuation, the Building/Area Safety Coordinator should bring the Building Occupant List for their facility with them in order to ensure an accurate count of who is present and who is absent. The names and last known locations of persons not accounted for must be recorded and communicated to the Plan Executive and Director (Executive Vice President and Treasurer). The names of last known locations will then be submitted to the Emergency Operations Center for emergency rescue if necessary.

3. If an evacuation of a facility is necessary while class is in session, a list of all missing persons will be delivered to the Registrar’s Office for printout of the faculty member's teaching schedule.

4. Non-regular employees such as tradesmen from Facilities, students and visitors frequent each facility. Each office/department in the facility should be sure to make note of these.

Confirmation that each room has been completely evacuated and the doors closed

If a facility is evacuated due to a life-threatening emergency, it may be difficult for staff members to confirm that each room has been completely evacuated and the doors closed without placing themselves in danger. Once a facility has been evacuated, the appropriate emergency personnel should be responsible for checking the building to confirm that all spaces in the building have been completely evacuated.

Procedures for further evacuation if the incident expands

If one or more facilities have been evacuated, the incident expands or forces further evacuation, the following locations may be utilized if unaffected by the conditions forcing evacuation: Bowman Gymnasium, Field House and Pardington Hall Auditorium. If further evacuation becomes necessary, personnel in the Emergency Operations Center will need to make a decision about which of the buildings above are safest. This information will need to be communicated to the Building/Area Safety Coordinator of the facility affected. In a catastrophic event when the entire campus community would need to gather in one location, NyackAlert will be used to provide instructions. All faculty, staff, students and visitors should gather in Bowman Gymnasium and await further instructions.

Procedures for Residence Life Staff (Rockland Undergraduate Campus)

Once a housing unit has evacuated to the area designated for that unit, the Housing and/or Residence Life staff members in charge of each unit affected will organize students into smaller groups by residence hall floor, house or apartment building number. To assist in the evacuation effort, each residence area will be equipped with an emergency evacuation kit. Each residential area is also equipped with a first aid kit.

The emergency evacuation kit will be located in a central location in the Resident Assistant Office. If a Resident Director (RD) or Resident Assistant (RA) is not present at the time of the evacuation, the next staff in line should locate the evacuation kit and begin organizing students into smaller units at the evacuation site. The next staff in line may be the Dean of Students. A disaster kit will be maintained in the Student Development Office in Boon Center for use by the Student Care Coordinator (Dean of Students).

Assisting individuals with disabilities and those who do not speak or understand English

A system will be established between members of a particular housing location (i.e. residence hall floor, campus house or apartment unit), to assist members of the living area that have any type of physical disability or who do not speak or understand English.

Physical head counts after evacuation

1. Updates to the housing rosters are made as needed by the Student Care Coordinator (Dean of Students) in the Student Development Office in Boon Campus Center. Whenever housing populations increase or decrease, the changes are communicated to the staff member(s) responsible for that particular area. Staff members will have an accurate count
at all times of how many individuals need to be accounted for in the event of an evacuation. A copy will be kept in the Campus Safety Office.

2. Should an evacuation in one or more housing area become necessary, the staff members responsible for a particular area of housing are responsible for counting all persons to determine how many persons are missing. Should a staff member responsible for a particular area not be present to count his/her respective area, then that staff member's direct supervisor must assume the responsibility. In the event that the direct supervisor is not present, then the supervisor's supervisor assumes responsibility.

3. The Student Care Coordinator (Dean of Students) distributes housing rosters to all Housing and Residence Life staff members at the beginning of the year. When the Student Care Coordinator (Dean of Students) communicates changes to the roster, Housing and Residence Life staff members are responsible for making the appropriate changes on the roster for the area he/she is in charge of. Off campus visitors spending the night are required to register with the Residence Life staff.

4. In the event of an evacuation, Housing and/or Residence Life staff members should bring the roster for their area with them in order to ensure an accurate count of who is present and who is absent. The names and last known locations of persons not accounted for must be recorded and communicated to the Student Care Coordinator (Dean of Students). The names of last known locations will then be submitted to the EOC for emergency rescue if necessary.

5. If an evacuation of a housing location is necessary while class is in session, a list of all missing persons will be delivered to the Registrar’s Office for printout of the students' class schedules. The Student Care Coordinator (Dean of Students) and the front office staff in Student Development can also assist in accessing student's academic schedules using Campus Management.

Accounting for Non-Residents
Each housing location is frequented by non-residents such as custodians and tradesmen from Facilities and students visiting from other housing locations or from off campus. Off campus visitors spending the night are required to register with the Residence Life staff.

Confirmation that each room has been completely evacuated and the doors closed
If a housing location is evacuated due to a life-threatening emergency, it may be difficult for staff members to confirm that each room has been completely evacuated and the doors closed without placing themselves in danger. Once a housing location has been evacuated, the appropriate emergency personnel should be responsible for checking the building to confirm that all living spaces in the building have been completely evacuated.

Confirmation that non-living spaces have been evacuated
Non-living spaces include lounges, laundry rooms, public bathrooms and community bathrooms on a residence hall floor, residence hall kitchens, conference rooms, computer labs, prayer chapels, storage rooms and custodial closets. Once a housing location has been evacuated, the appropriate emergency personnel should be responsible for checking the building to confirm that all non-living spaces of the building have been completely evacuated.

Procedures for further evacuation if the incident expands
If one or more housing locations have been evacuated, the incident expands or forces further evacuation, the following locations may be utilized if unaffected by the conditions forcing evacuation: Bowman Gymnasium, Field House and Pardington Hall Auditorium. If further evacuation becomes necessary, personnel in the EOC will need to make a decision about which of the buildings above are safest and closest to the housing location(s) that need to be further evacuated. This information will need to be communicated to the person in charge of the housing location(s) affected so that students may be directed where and how they should move. In a catastrophic event when the entire campus community would need to gather in one location, NyackAlert will be used to provide instructions. All faculty, staff, students and visitors should gather in Bowman Gymnasium and await further instructions.

Procedures for Faculty/Instructors
The instructor is an authoritative figure for the student, either consciously or subconsciously, and can influence how the student responds in an emergency. Calm, collected and clear directions by the instructor will have a calming effect on the students. Instructors should:

1. Provide his or her class with general information relating to emergency procedures during the first week of class.
2. Know how to report an emergency from the classroom being used.

3. Assure that persons with disabilities have the information they need. The instructor should be familiar with the disabled student's plan and be able to direct visitors with disabilities.

4. Take responsible charge of the classroom and follow emergency procedures for all building alarms and emergencies.

5. Know evacuation routes as well as the pre-determined evacuation assembly area.

6. Assist the Building/Area Safety Coordinator with accounting for students. With a large class, accounting for all students can be difficult. Some suggestions: use the class roster, do a head count and have students see if the students seated next to them are at the assembly point.

7. Suggested materials to have in class: roster and important telephone numbers.

Be Prepared for Emergencies
Decide upon a plan of action in advance and remember that prevention is the key to your personal safety. It is the responsibility of each Building/Area Safety Coordinator to review emergency action plans with employees on a regular basis (either as a group or individually).

If you are temporarily or permanently disabled, please inform your department head. The department head will help determine an action plan based upon your specific needs.

Shelter in Place Procedures—What it Means to “Shelter in Place”
If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance
If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”
A shelter-in-place notification may come from several sources, including Campus Safety, Residence Life members, other College employees, South Nyack PD or New York City PD, or other authorities utilizing the College emergency communications tools.

How to “Shelter-in-Place”
No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Go to an interior room that’s above ground level and has no windows. In the case of a chemical threat, an aboveground location is preferable because some chemicals are heavier than air and may seep into basements even if the windows are closed.
3. Seal all gaps around the door, around windows, and any vents into the room.
4. Keep listening to your radio or television until you are given an "all clear" or told to evacuate.
5. If you must go out or find that harmful vapors enter your shelter, covering your mouth with a damp cloth may provide minimal breathing protection.
Emergency Response

Nyack College has developed an Emergency Operations Plan, the purpose of which is to, in the event of a major emergency or disaster:

- Save the maximum number of lives, minimize injuries and protect property.
- Provide direction and resources for Emergency Response Coordinators.
- Provide information and resources for the campus community.
- Provide for the timely receipt and rapid dissemination of warning information.
- Ensure that Nyack College remains viable.
- Preserve fiscal activities essential for the survival and recovery from the emergency or disaster.

Nyack College shall conduct continuous planning to minimize the risk of personal injury and property loss from emergencies, shall cooperate with governmental agencies charged with disaster control and shall take necessary steps to assure continuity of business operations and restoration of normal activities as soon as possible following an emergency or a disaster.

The following are the objectives of a coordinated response to campus emergencies:

- More rapid response.
- More systematic and routine approach.
- Venue for promptly identifying and supporting College decision makers.
- System for evaluating all emergencies to improve our responses.
- Reduced exposure to vicarious liability.
- Improved management of public information.

Scope

This Emergency Operations Plan for Nyack College assigns responsibilities for the development, implementation and maintenance of the plan. The procedures apply to all personnel, facilities and properties owned and operated by Nyack College and include those peripheral areas adjoining Nyack College.

This plan is the basic framework for emergency preparedness. It is not intended to cover every department's individual needs. Each department will supplement the plan to suit their own needs while remaining in compliance with the plan.

All emergencies and disaster situations share certain commonalities. This plan is designed to operate in any type of emergency or disaster whether natural, technological or civil. Specific actions are further described in the Concept of Operations and will be outlined in functional annexes developed for each operational department.

All requests for procedural changes, suggestions or recommendations should be submitted in writing to the Executive Vice President and Treasurer.

Concept

The Role of Government

Local, State, County and Federal Government have the main responsibility for emergency management activities that impact lives and property. The Village of South Nyack and City of New York will take a comprehensive role in emergency management to protect life and property from the effects of disasters.

When the emergency exceeds their capability, the Village of South Nyack or City of New York will request assistance from other governmental agencies, including Rockland County, the State of New York and the Federal Government. Private sector and voluntary organizations may be requested to provide aid and assistance.

The Nyack College Campus Safety Department maintains a liaison with the Village of South Nyack Chief of Police, (845) 358-0206, and with New York 1st Precinct, (212) 334-0611.
Availability of Outside Assistance
IMPORTANT: These governmental and private resources may not be available immediately following a significant emergency or disaster. Other local towns and businesses may simultaneously be vying for governmental resources. Also, communication and traffic problems may exist that will cause significant delay.

Administrative Structure
The President has designated the Executive Vice President and Treasurer to function as the Plan Executive and Director. If the President is on campus and communications or logistics allow for it, he will participate in all significant decisions.

The Nyack College Emergency Operations Plan is structured around an EOC and Emergency Response Coordinators. Nyack College will provide and manage its own resources when responding to an emergency or disaster. This will be conducted from the EOC during significant emergencies or disasters.

Departments seeking additional resources during an emergency or disaster must work through or receive authorization from the EOC. Typically, the Plan Executive and Director will authorize the request.

During an emergency, those daily functions that do not contribute to the emergency operation may be suspended. The resources usually devoted to routine functions will be redirected to the emergency operations.

Implementation
To report an emergency, faculty, staff and students should first dial “911” in the event of a life-threatening situation. After this call is made, contact Campus Safety by dialing x7191 from a campus phone or (845) 222-8812 from a private or public phone (Rockland Campuses) or x6198 from a campus phone or (646) 378-6198 from a private or public phone (Manhattan Campus). The Campus Safety Department will make notifications to all appropriate persons on campus and will notify other emergency and resource units. The Executive Vice President and Treasurer or his designee will determine whether or not to initiate the Emergency Operations Plan and convene the Emergency Response Coordinators. He will also make a decision whether or not to implement the NyackAlert Emergency Notification System.

State of Emergency and Authority to Declare
Whenever an emergency affecting the Nyack College community reaches proportions that cannot be handled by routine measures a State of Emergency may need to be declared. The authority to declare a Campus State of Emergency rests with the President or his designee. The official declaration of an emergency shall authorize the appropriate procedures necessary to respond to the incident and safeguard persons and property and the contingencies outlined in this plan will be implemented.

When a State of Emergency is declared, it may become necessary to restrict access to specific areas on campus to authorized individuals. Only those authorized individuals who have been assigned emergency or resource duties will be allowed to enter the area or building affected by the incident.

In all emergencies, the Campus Safety Department has primary responsibility for immediate response and shall cooperate and coordinate with the College administration as well as local government response units.

Advisory Committee on Campus Security
As required by Article 129-A of the New York State Education Law, Nyack College maintains an Advisory Committee on Campus Security. This committee meets during the year to review, and recommend improvements to, Nyack College policies and procedures relating to a variety of security and personal safety issues. The Advisory Committee on Campus Safety will provide all campus crime statistics as reported to the United States Department of Education upon request.

Weapons on Campus
Firearms and dangerous weapons/instruments of any type are not permitted on campus. The use, possession or sale of firearms or other dangerous weapons by anyone is a violation of state and federal law as well as a violation of Student Academic, Community and Lifestyle Expectations.

Notification to the College Community about an Immediate Threat
The Nyack College warning system consists of telephone, email, voicemail, NyackAlert and fire alarm systems. It is designed to send emergency information quickly throughout the campus.
Telephone Contact System
The Emergency Operations Plan Coordinator (Director of Auxiliary Services) is responsible for updating and publishing the Telephone Contact System. This contact system is used during catastrophic emergencies. The Plan Executive and Director (Executive Vice President and Treasurer) is the first contact who will then initiate the contact system by calling strategic departments. The contacts “branch out” from that point. The objective of the telephone contact system is to accurately notify every campus department of a current or impending emergency.

School Closing Notification Tree: Used to facilitate contacts in a weather emergency when offices are not. The Academic Operations Coordinator (Provost) and the Plan Executive and Director (Executive Vice President and Treasurer) are the decision makers. Closings due to weather will also be reported on:
- On campus emergency lines:
  - Rockland Undergraduate Campus: x4951
  - Manhattan Campus: 4974
  - Organizational Management Program: x4957
- www.nyack.edu
- Nyack College Emergency Closing Notification Facebook Group
- Nyack College’s Facebook page

Catastrophic Emergency Notification Tree: Used during emergencies which affect the entire campus or require a campus-wide response.

Department Planning
- Know where your contact lists are. Be sure to have copies at home.
- Know your department’s position on the contact lists.
- Each department has the responsibility to develop its own internal notification system to supplement the initial telephone contact system.

Department Actions
- Relay the emergency information to members of your department and to the departments you are responsible for on the list.
- Accurately record any emergency notification.
- Obey the emergency directive (i.e. evacuate the building, take shelter, etc.).

Public Radio
Emergency Broadcast System (EBS) Radio Stations:

<table>
<thead>
<tr>
<th>Location</th>
<th>AM</th>
<th>FM</th>
<th>Frequency</th>
<th>City</th>
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<tbody>
<tr>
<td>New York City</td>
<td>WABC</td>
<td>WPLJ</td>
<td>770 kHz</td>
<td>NYC</td>
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<td>95.5 MHz</td>
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<td></td>
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<tr>
<td>Putnam County</td>
<td>WLNA</td>
<td>WHUD</td>
<td>1420 kHz</td>
<td>Peekskill</td>
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<tr>
<td></td>
<td>100.7 MHz</td>
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<td>WFAS</td>
<td>WFAS</td>
<td>1230 kHz</td>
<td>White Plains</td>
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<td></td>
<td>1310 kHz</td>
<td>103.9 MHz</td>
<td>Mt. Kisco</td>
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<tr>
<td></td>
<td>106.3 MHz</td>
<td>107.1 MHz</td>
<td>White Plains</td>
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<td></td>
<td>910 kHz</td>
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<td>Pleasantville</td>
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<tr>
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Closings due to weather will be reported on:

- **On campus emergency lines:**
  - Rockland Undergraduate Campus: x4951
  - Manhattan Campus: 4974
  - Organizational Management Program: x4957

- [www.nyack.edu](http://www.nyack.edu)
- Nyack College Emergency Closing Notification Facebook Group
- Nyack College’s Facebook page

In the case of a more widespread emergency, information is available on Rockland County’s radio station 1640 AM or by calling the Rockland County Watch at (845) 364-8990 for a recorded message, and on Manhattan South’s radio station 85.4 FM.

**College Telecommunications System**

Depending upon the nature and severity of the emergency, the college will implement the college telephone system in one of the following ways:

- The School and Emergency Closing hotline will have an updated message that can be accessed by dialing:
  - Rockland Undergraduate Campus: x4951
  - Manhattan Campus: 4974
  - Organizational Management Program: x4957

- The main college greeting will have a special recorded message that callers will hear immediately prior to hearing any of the menu options.

**E-mail**

When possible, the Plan Executive and Director (Executive Vice President and Treasurer) or Campus Safety Coordinator (Director of Facilities) may augment the telephone contact system with urgent email messages to key departments.

**Fire Alarm System (Rockland Campuses)**

Each campus building has a fire alarm that will go off which then notifies local authorities. The local area fire alarm system uses codes to indicate a fire location. The horn will sound a specified number of times as indicated in the chart below. For example, in the case of a civil defense warning or public emergency, the horn will sound as follows: 9 blasts of horn, short pause, 1 blast of horn, long pause, repeat 9 blasts of horn, short pause, and 1 blast of horn.

### Fire Alarm Signals

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<th>Description</th>
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<tbody>
<tr>
<td>9-1</td>
<td>CIVIL DEFENSE WARNING—Public Emergency</td>
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</tbody>
</table>

### Nyack College/ATS Signals

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<tr>
<th>Code</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>5-4</td>
<td>Route 9W and S. Highland Avenue</td>
</tr>
<tr>
<td>5-4-1</td>
<td>Nyack Middle School − S. Highland Avenue</td>
</tr>
<tr>
<td>5-4-2</td>
<td>9W, 750’ South of Highland Avenue</td>
</tr>
<tr>
<td>5-4-3</td>
<td>9W, 750’ North of Road F</td>
</tr>
<tr>
<td>5-5</td>
<td>S. Highland Avenue and South Boulevard</td>
</tr>
<tr>
<td>5-5-1</td>
<td>S. Highland Avenue and Upland Drive</td>
</tr>
<tr>
<td>5-6</td>
<td>South Boulevard and Central Avenue</td>
</tr>
<tr>
<td>5-7-1</td>
<td>Pardington and Simpson Halls</td>
</tr>
<tr>
<td>5-7-2</td>
<td>Christie Hall</td>
</tr>
<tr>
<td>5-7-3</td>
<td>Jaffray Hall</td>
</tr>
<tr>
<td>5-7-4</td>
<td>North Campus</td>
</tr>
<tr>
<td>5-7-5</td>
<td>Hillside Terrace Apartments, 8-12 South Boulevard</td>
</tr>
<tr>
<td>7-8-1</td>
<td>350 N. Highland Avenue (ATS)</td>
</tr>
</tbody>
</table>
Incident Reporting

It is Nyack College’s policy that reports of all incidents of actual or attempted criminal behavior, violence, vandalism, threatening or suspicious circumstances should be reported to Residence Life Staff, the Dean of Students and the Director of Facilities. All departments under Student Development (Career Services, Counseling Services, Health Services, Spiritual Formation, Student Activities, and Residence Life) are mandated to follow the same protocol in reporting any incidents or concerns in writing and submitted to the appropriate offices. Training in regards to the proper procedure of filing of an incident report is offered to all para-professional staff throughout the academic year as well as during orientation. The procedures for reporting a crime are also part of this training. The College provides a yearly mandatory training.

Internal Reporting Agencies (Rockland Campuses)

- **Campus Safety**: (845) 222-8812
- **Counseling Services**: (845) 675-4564
- **Director of Auxiliary Services**: (845) 675-4501
- **Director of Facilities**: (845) 675-4509
- **Dean of Students**: (845) 675-4790
- **Residence Life Professional Staff On duty Phone**: (845) 213-9145
- **Residence Hall Directors**:
  - **Simpson**: (845) 675-4574
  - **Christie Hall**: (845) 675-4610
  - **Moseley**: (845) 675-4571
  - **Jaffray Hall**: (845) 348-4797

RA On-Duty Number:
- **Christie Hall**: (845) 587-2700
- **Simpson Hall**: (845) 641-8976
- **Moseley Hall**: (845) 521-0888
- **Jaffray Hall**: (845) 348-4797

Internal Reporting Agencies (NYC Campus)

- **Campus Safety**: (646) 378-6198
- **Counseling Services**: (646) 378-6447
- **Dean of Students**: (646) 378-6131
- **Auxiliary Services Associate Director**: (646) 378-6185

External Reporting Agencies (Rockland Campuses)

**Police**
- **South Nyack Police**: (911)
  - 282 South Broadway, Nyack, NY 10960 (845) 358-0206
- **Chief Brent Newbury**

- **Orangetown Police Department**
  - 26 Orangeburg Road, Orangeburg, NY 10962
    - **Headquarters**: (845) 359-3700
    - **Detective Bureau**: (845) 359-2121

- **Clarkstown Police Department**
  - 20 Maple Ave, New City, NY 10956 (845) 639-5800

- **New York State Police**
  - #8 Theills Mt. Ivy Rd., Pomona, NY 10984 (845) 364-0200

**Ambulance**
- **Nyack Community Ambulance Corps**: (911)
  - 251 N. Midland Avenue, Nyack, NY 10960 (845) 358-4824
South Orangetown Ambulance Corps  
70 Independence Avenue, Tappan, NY 10983  
(845) 359-3030

Congers-Valley Cottage Ambulance Corps  
122 Kings Hwy, PO Box 164, Congers, NY 10920  
(845) 268-7333

Pearl River Alumni Ambulance Corps  
15 N. Pearl Street  
PO Box 1046, Pearl River, NY 10965  
(845) 735-4400

Fire
Central Nyack Fire Department  
PO Box 91, Nyack, NY 10960  
46 Waldron Ave., Nyack, NY 10960  
(911), Emergency  
(845) 358-5454, Chief of Nyack Fire Dept.  
(845) 358-0678

Orangetown Fire Co. #1  
1 Depot Place, South Nyack, NY 10960  
(845) 358-9751

Jackson Hose Co. #3  
19 Catherine Street, Nyack, NY 10960  
(845) 358-9768

Chelsea Hook and Ladder #2  
86 Catherine Street, Nyack, NY 10960  
(845) 358-9694

Nyack Fire Patrol, Inc.  
11-15 Park Street, Nyack, NY 10960  
(845) 358-9768

Highland Hose Co.  
288 Main Street, Nyack, NY 10960  
(845) 358-9808

Empire Hook and Ladder  
330 North Broadway, Upper Nyack, NY 10960  
(845) 358-0198

Hospitals
Montefiore Nyack Hospital  
160 N. Midland Avenue, Nyack, NY 10960  
(845) 348-2000

Behavioral Health Response Team  
Website: www.rocklandhelp.org  
(845) 517-0400

Good Samaritan Hospital  
255 Lafayette Avenue, Suffern, NY 10901  
(845) 368-5000

Helen Hayes Hospital  
Route 9W, West Haverstraw, NY 10993  
(845) 786-4000

Summit Park Hospital/Dr. Robert L. Yeager  
Sanatorium Road, Pomona, NY 10970  
(845) 364-2700

Westchester County Medical Center  
100 Woods Rd., Valhalla, NY 10595  
(914) 493-7000
Pascack Valley Hospital  
250 Old Hook Road, Westwood, NJ 07675  
Hackensack University Medical Center  
30 Prospect Avenue, Hackensack, NJ 07601

Englewood Hospital and Medical Center  
350 Engle Street, Englewood, NJ 07631

The Valley Hospital  
223 N. Van Dien, Ridgewood, NJ 07450

Rockland County Department of Health  
Board of Health  
Infectious Disease  
Women’s Health Services

Poison (Control Center)

Center for Safety and Change  
(Services to survivors of domestic violence and abuse, and sexual trauma)  
9 Johnsons Lane, New City, NY 10956  
Website: www.centerforsafetyandchange.org  
Business Number  
Hotline (Rape and sexual violence)

Crisis Counseling and Intervention  
Rockland County (Montefiore Nyack Hospital)

Volunteer Counseling Service  
77 S. Main Street  
New City, NY 10956

Community Mental Health Center  
Satellite Clinic at St. Dominic's  
500 Western Highway, Blauvelt, NY 10962

Dr. Robert L. Yaeger Health Center  
Rockland County Dept. of Mental Health  
50 Sanatorium Road – Bldg F  
Pomona, NY 10970  
Email: rcdmh@co.rockland.ny.us

External Reporting Agencies (NYC Campus)

Police
1st Precinct  
16 Ericsson Place, New York, NY, 10013  
Deputy Inspector Mark A. Iocco

Reporting Sexual Assaults: NYPD Special Victims Unit  
Child Abuse  
Ambulance

Fire  
New York Fire Department
Headquarters of NYC Fire Department (718) 999-2000

**Hospitals**

New York Presbyterian Hospital in Lower Manhattan (212) 312-5000
170 William Street, New York, NY 10038

Mount Sinai Beth Israel Medical Center (212) 420-2000
281 1st Avenue, New York, NY 10003 (212) 857-9980

Mount Sinai Sexual Assault Violence Intervention Program (212)423-2140
One Gustav Levy Place
98th Street/Madison Avenue

New York Presbyterian Hospital
(Weill Cornell Medical Center) (212)746-5454
525 East 68th Street

St. Vincent’s Hospital Rape Crisis Program (212) 604-8068
41-51 East 11th Street

NYU Medical Center-Tisch Hospital (212) 263-5800
550 First Avenue, New York, NY 10016
(alt. address 600 First Ave. #5)

**New York City Department of Health** (866) 692-3641

**Poison (Control Center)** (800) 222-1222

NYC Domestic Violence Hotline Safe Horizon (800) 621-4673

**Christian Counseling Services**

Breakthru Counseling Care (NYC) (212) 481-3740
Full Circle Health (Bronx) (718) 518-7600
Well Springs Inc. (Fair Lawn, NJ) (201) 956-6297
Pastoral Counseling Center
Flushing, Queens (718) 463-4613
Redeemer Presbyterian Counseling Services (NYC) (212) 370-0475 ext. 1365

Dollar, Mark, MD (Psychiatrist - NYC) (917) 991-6635
Feld, Jay, D.Min., LMFT (Elmhurst, Queens) (917) 572-4068
Lin Rathe, Elissa, Ph.D. (NYC& Yonkers) (917) 791-4216
Lobosco-Benner, Susan, LCSW (NYC & Westchester) (914) 834-9015
Peale, Blandon (NYC) (212) 725-7850
Roberts, Kami, LCSW (Brooklyn) (718) 421-4400
Summerhill, Laura, LCSW (Williamsburg, Brooklyn, NYC) (718) 415-6406
Watson, Dan, LCSW (Levittown, LI) (516) 660-4572

**Substance Abuse / Addictions:**

Overcomers Outreach (800) 310-3001

Celebrate Recovery
Sexual Abuse:
Bellevue Hospital Rape Crisis Program
462 1st Ave., New York, NY 10016  (212) 562-3755
Beth Israel Rape Crisis & Domestic Violence Intervention
317 E. 17th St., New York, NY 10003  (212) 420-4516
Mount Sinai Sexual Assault and Violence Intervention
1 Gustave Levy Place, Box 1670, New York, NY 10029  (212) 423-2140
NYC Alliance Against Sexual Assault
32 Broadway, Suite 1101, New York, NY 10004  (212) 229-0345
Safe Horizon Rape & Sexual Assault Hotline
(212) 227-3000 or (800) 621-4673

American Red Cross
www.nyredcross.org
(877) 733-2767
520 West 49th Street, New York, NY 10019

New York State Emergency Management Office
1220 Washington Avenue
Building 22, Suite 101, Albany, NY 12226-2251
http://www.dhsses.ny.gov
(518) 292-2200

NYC Department of Buildings
280 Broadway, 7th floor, New York, NY 10007
(212) 566-5000

New York State Department of Insurance
Disaster Hotline
http://www.dfs.ny.gov/consumer/disascon.htm
(800) 339-1759

New York State Coalition Against Sexual Assault (NYSCASA)
28 Essex Street, Albany, NY 12206  (518) 482-4222

New York State Office for the Prevention of Domestic Violence
80 S. Swan St, 11th Floor #1157, Albany, NY 12210  (518) 457-5800
Sex Offender Registration
In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Nyack College is providing a link to the New York State Division of Criminal Justice Sex Offender Registry.

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

NYS Division of Criminal Justice - Office of Sex Offender Management Sex Offender Registry
The New York State Sex Offender Registration Act (Correction Law Article 6-C), known as SORA, established a Sex Offender Registry within the New York State Division of Criminal Justice Services. SORA was enacted to assist local law enforcement agencies and to protect communities by: 1) requiring sex offenders to register with the State; and, 2) providing information to the public about certain sex offenders living in their communities. SORA took effect on January 21, 1996.

SORA requires the registration of individuals convicted in New York State of certain sex offenses as well as the registration of those individuals convicted in another jurisdiction if the offense is equivalent to a New York State registrable sex offense. In addition, if the individual is convicted of a felony requiring registration in the conviction jurisdiction or the individual is convicted of one or more specific federal or military offenses, the individual will be required to register in New York State. Individuals convicted of one or more registrable offenses on or after the effective date of SORA must register with the Division. Additionally, any person convicted of a registrable offense who was incarcerated or under parole or probation supervision on January 21, 1996 is required to be registered.

Sex offenders are classified as low risk (Level 1), moderate risk (Level 2) or high risk (Level 3). SORA requires the Division of Criminal Justice Services to maintain a public Subdirectory on the internet which can only include Level 2 and Level 3 sex offenders. While the Registry also contains information on low-risk (Level 1) sex offenders, this site provides you with public access to the Subdirectory only. Therefore, accessing this site will not provide you with information about Level 1 offenders. You may, however, learn if an individual is a convicted sex offender listed in the Registry by calling the Sex Offender Registry (800) 262-3257.

Due to litigation in federal court, certain level 2 and level 3 offenders are not in the Subdirectory at this time. Once these offenders have had an opportunity for a due process hearing to determine the risk level, and if their risk level is determined to be level 2 or level 3, they will be included in the Subdirectory.

The New York State's Sex Offender Registry home page is located at: [http://www.criminaljustice.ny.gov/nsor/](http://www.criminaljustice.ny.gov/nsor/). The Registry helps protect our families and communities by requiring sex offenders to register, and providing this information to law enforcement and the public.

Sex offenders are classified by risk level: Level one (low risk); Level two (medium risk); and Level three (high risk). Level 1 offenders are required to register for a minimum of twenty years, and level 2 and 3 offenders for life. Police and law enforcement have access to information on all sex offenders (levels 1, 2 and 3). However, under the law, information on level 1 (low-risk) offenders is not available on the public website. Only level 2 and 3 offenders are listed on the public website.

How do I search for a sex offender? To search for a sex offender on line visit the public website go to: [http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp). You can search by last name or zip code or County. You can also call (800) 262-3257. By calling the 800 number you can obtain information on level 1, 2 and 3 offenders (the public website only lists level 2 and 3 offenders, the 800 line can give information on level 1, 2 and 3). If you call the 800 line you will need the offender's name and one of the following: an exact address, or a date of birth, or a driver's license number, or a social security number.
**Timely Warnings**

Nyack College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts).

**Authorization**

The use of the NyackAlert System is authorized when an impending or occurring hazard on or off campus may impact the safety and security of the Nyack College community and timely notification is necessary for the community to take protective action. In the event that a situation arises, that, in the judgment of the Plan Executive and Director (Executive Vice President and Treasurer), the Campus Safety Coordinator (Director of Facilities), the Dean of Students, or the Operations Plan Coordinator (Director of Auxiliary Services), constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. Depending on the particular circumstances of the crimes, especially in all situations that could pose an immediate threat to the community and individuals, Nyack College will use one or any combination of the following methods to issue a timely warning:

- Nyack College E-mail system
- NyackAlert Emergency Notification System,
- Post a notice on the campus-wide Safety and Security Web Page at [www.nyack.edu/safetyandsecurity](http://www.nyack.edu/safetyandsecurity), providing the college with more immediate notification, or
- Transmit on the digital signage displays at the appropriate campus.
- Postings and notifications in buildings
- Nyack College Emergency Phone lines
- Nyack College Emergency Closing Notification Facebook Group

In order to comply with the recent guidance concerning “Timely Warnings” required under the Clery Act, the NyackAlert system will also be used to inform the Nyack College community of serious crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, etc.) that have occurred on campus, in “contiguous areas” as defined by the Clery Act, or in other areas frequented by Nyack College affiliated persons within a one-half mile distance of the campus (or farther distance on a case-by-case basis). In these cases the notification process begins when a crime is reported directly to Nyack College Campus Safety or Nyack College Campus Safety is informed of the crime by a law enforcement agency. A copy of NyackAlert messages sent in compliance with the “Timely Warnings” requirement is maintained in the Nyack College Campus Safety files.

Nyack College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Delivery Methods**

Delivery methods are the modes of communication through which the NyackAlert System broadcasts messages to the notification groups. The currently activated delivery methods include text messaging and email. The delivery method(s) used will vary depending on the nature of the hazard and the purpose of the messaging. Following are samples of Timely warnings and possible delivery methods:

- Imminent or continuing life safety hazard to the Nyack College campus (such as a severe storm, active shooter or hostile intruder, HAZMAT release, suspicious device, etc.). - **All methods**
- Serious crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, etc.) that have occurred on campus or in areas contiguous to the campus as defined by the Clery Act. - **All methods**
- Crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, kidnapping, etc.) involving Nyack College affiliated persons that have occurred off campus in areas beyond the “contiguous areas” but frequented by Nyack College personnel (within one-half mile of the campus or farther distances on a case-by-case basis). - **All methods**
- Crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, kidnapping, etc.) that did not directly involve Nyack College affiliated persons, but could reasonably pose a threat to Nyack College personnel that have occurred off campus in areas beyond the “contiguous areas” but frequented by Nyack College personnel (within one-half mile of the campus or further distances on a case-by-case basis). - **All methods**
Other crimes for which notification is required by the Clery Act (such as a continuing series of property crimes like burglaries, car thefts, etc.) that occur on campus or in the "contiguous areas." – Email

### Timely Warnings

<table>
<thead>
<tr>
<th>EMERGENCY NOTIFICATION</th>
<th>TIMELY WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Scope</strong></td>
<td><strong>Why</strong></td>
</tr>
<tr>
<td>Any significant emergency or dangerous situation</td>
<td>Event that is currently occurring on or imminently threatening the campus</td>
</tr>
<tr>
<td><strong>When</strong></td>
<td><strong>As soon as the pertinent information is available</strong></td>
</tr>
<tr>
<td>Immediately upon confirmation of situation</td>
<td>Crimes that have already occurred (but may be continuing) and which represent an ongoing threat</td>
</tr>
</tbody>
</table>

### Signing Up for NyackAlert

**Option 1:** How to sign up for e2campus (NyackAlert) via the web with a cell phone number:
1. Go to [https://e2campus.net/my/nyack/signup.htm](https://e2campus.net/my/nyack/signup.htm).
2. Enter your information into the registration form
   a. Username (does not have to match the Nyack username)
   b. First Name
   c. Last Name
   d. Password (does not have to match the Nyack password)
   e. Verify Password
   f. Mobile Phone (TXT) – Cell phone number to receive txt messages
   g. Carrier (Phone Service Provider)
   h. Optional Groups
      i. Manhattan Campus Emergency Alerts (for Manhattan Graduate and Undergraduate Campuses)
      ii. Rockland Campus Emergency Alerts (for Rockland Undergraduate Campus)
   i. Opt-Out Date (select expected graduation date)
3. Agree to the Terms of Service
4. Click Create Account
5. A validation txt with a 4-digit number will be sent to the mobile phone number to ensure that the e2campus system is able to send txt to the phone. Enter the 4-digit number where it says “Validation Code” and click “Validate”
6. Registration of mobile phone is complete.

**Option 1.A:** How to add a personal e-mail to your account:
1. Enter your personal e-mail where it says “Email Address.” Click “Add Email.”
2. A validation e-mail will be sent to your e-mail address. To complete validation, simply reply to the e-mail.
3. Registration of e-mail is complete.

**Option 2:** How to sign up for e2campus (NyackAlert) via the web with e-mail ONLY:
1. Go to [https://e2campus.net/my/nyack/signup.htm](https://e2campus.net/my/nyack/signup.htm).
2. Click the link on the bottom of the page that says “Click Here to sign up using EMAIL only”
3. Follow steps 2a-2e and 2h of Option #1.
4. Enter your personal e-mail (not your Nyack College e-mail).
5. Follow steps 3-4 of Option #1.
6. A validation e-mail will be sent to your e-mail address. To complete validation, simply reply to the e-mail.
7. Registration of e-mail is complete.

Option 3: How to sign up for e2camps (NyackAlert) via text messaging:
1. Text the correct keyword to 79516
   - Rockland Undergraduate Campus keyword: NyackRockland
   - Manhattan Graduate and Undergraduate Campus keyword: NyackManhattan
2. A confirmation text will be sent to the cell phone. Reply “yes”
3. Registration of cell phone is complete.

Note: When signing up for NyackAlert via text messaging, Last Name, First Name, and e-mail address are not entered. Individuals will have to add those via the web.

**Testing NyackAlert and Emergency Response**
Nyack College conducts tests each semester of the NyackAlert system. These tests may be announced or unannounced. The emergency response and evacuation procedures are publicized in conjunction with the test, and documentation for each test, including a description of the exercise, the date, time, and whether it was announced or unannounced, can be found in Auxiliary Services.
Confidential Reporting Procedures
Confidentiality of complaints and parties will be preserved to the greatest extent possible, understanding that the College may have an obligation to take some action even if the reporting individual is reluctant to proceed. Parties and witnesses to a complaint are also expected to maintain confidentiality of the matter, understanding that they will often not have all the facts and that they could impair the investigation by divulging information to persons outside of the investigatory process.

If you are the victim of a crime and do not want to pursue action within the College System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Campus Safety Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

Information regarding confidentiality, privacy and non-retaliation relating to sexual violence incidents can be found in Options for Confidentially Disclosing Sexual Violence section.

Campus Law Enforcement Policy and Campus Safety Department
Nyack College utilizes Campus Safety Officers provided by SSC, Inc. as its law enforcement authority. SSC is committed to meeting the unique security needs of learning institutions, educators and administrators. An educational institution's security posture is a critical resource that supports education, research, administrative services, and campus life. SSC security experts utilize best practices and emerging trends in educational institution security to assist Nyack College in providing an atmosphere that is both welcoming and secure.

Campus Safety Department, which is managed by the Nyack College Facilities Department, conducts security checks of campus facilities, including residence halls. A Campus Safety Officer is on duty 24 hours a day, 365 days a year. Campus Safety Officers do not possess arrest power, but have the authority to execute emergency protocol by dialing 911. In non-emergency incidents, Campus Safety Officers report student-related instances to the Dean of Students and faculty/staff instances to the Director of Facilities. Criminal incidents are referred to the local police who have jurisdiction on campus. Critical/Non-Critical Incident Reports are completed for each incident on campus. Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Nyack College. Security Officers have the authority to issue parking tickets.

Information on safety and security is provided to students and employees through the college website, brochures, newsletters, the student newspaper and other means as appropriate. The Facilities Department is responsible for fire safety, key and lock control. They inspect campus facilities and promptly make repairs in areas that may affect safety and security.

Nyack College has a campus located in the town of Nyack, New York and a campus located in the city of New York, New York. Nyack College maintains a close working relationship with the South Nyack Police Department and the New York City Police Department. Meetings are held between the leaders of these agencies on both a formal and informal basis. The Campus Safety Department also works with the New York State Police when necessary. Campus Safety Officers and the local police departments communicate regularly on the scene of incidents that occur in and around the campus area. Campus Safety Officers work closely with the investigative staff of the local police departments when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary.

Nyack College has written Memorandums of Understanding with the following:

Rockland:
South Nyack-Grandview Police Department, 282 South Broadway, Nyack, NY 10976

Manhattan:
New York City Police Department, One Police Plaza – Room 1406, New York, NY 10038

Nyack College encourages the accurate and prompt reporting of all crimes to campus security and the appropriate law enforcement agency. The College cooperates fully with all law enforcement agencies. All crime victims and witnesses are
strongly encouraged to immediately report crime to Campus Safety and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. A crime log is kept on file at the Facilities Department; for more information, please contact the Facilities Department at 845-675-4595.

**Institutional Crime Reporting Regarding Sexual Violence**

Reports of crimes occurring in Clery geographic locations will be included in the Nyack College Annual Security and Fire Safety Report in an anonymized manner that neither identifies the specifics of the crime nor the identity of the victim/survivor. Reports are made to the college through an employee with the authority to address complaints (Campus Security Authorities), including:

- Director of Human Resources/Title IX Coordinator, Shuman, Room 203, x4608 or (845) 675-4608
- Rockland: Dean of Students, Boon Campus Center Room 202, x4790 or (845) 675-4790
- NYC: Dean of Students, 20th Floor, Room 2033, x 6131 or (646) 378-6131
- Academic Deans
  - Residence Hall Directors:
    - Simpson (845) 675 4574
    - Christie Hall (845) 675 4610
    - Moseley (845) 675 4571
    - Jaffray Hall (845) 348 4797
- Residence Life Professional Staff On Duty Phone, (845) 213-9145
- Athletic Director/Coach, Bowman Gym, x4770 or (845) 675-4770
- Campus Safety, 845.222.8812 or ext. 7191
  - Rockland: Nyack College Campus Safety at x7191 or (845) 222-8812;
  - NYC: Campus Safety at x6198 or (646) 378-6198
- Director of Auxiliary Services, Boon Campus Center Room 217, x4501 or (845) 675-4501

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents’ prior year federal income tax return. Generally, Nyack College will not share information about a report of sexual violence with parents without the permission of the victim/survivor.

To file a criminal complaint with local law enforcement:
- Rockland: South Nyack Police, (845) 358-0206, 282 South Broadway, Nyack, NY 10960, or if emergency, dial 911.
- Rockland County Special Victim Unit (800) 342-3720
- NYC: NYPD Special Victims Division (646) 610-7272

When the accused is an employee, a victim/survivor may also report the incident to Nyack College Human Resources or may request that one of the above-referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable employee handbook. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
- Human Resources, Shuman Room 203, (845) 675-4608, karen.davie@nyack.edu.

Nyack College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning (see [Timely Warnings](#)).

**Policy Statement Addressing Counselors**

All students are informed upon Intake by the Director of Counseling Services that confidentiality is kept to the fullest extent allowable by law with three exceptions:
- Suicidal Attempt
Homicide
Abuse of a minor (physical, sexual or emotional)

At the end of the Intake process before the student is assigned to a counselor they are required to sign the Confidentiality Disclosure Statement form. Once the student is assigned to a counselor, the counselor will repeat the procedure. Should a crime occur, the student is informed of their rights and advised and encouraged when necessary to
- go to the hospital for medical treatment;
- to take advantage of the Coming Forward Policy or Amnesty Policy, when applicable, on a voluntary basis;
- to report the crime or incident to the appropriate individual at the College on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;
- and report the crime or incident to local authorities.

Missing Persons Policy (Rockland Undergraduate Campus)
This Notification Policy and Plan shall apply whenever a college official designated in this Policy receives a report that a student who resides in college provided housing facilities has been missing for longer than 24 hours. (Note: This Notification Policy and Plan has been adopted in compliance with the Higher Education Opportunity Act of 2008 and The Clery Act.)

Each Nyack College student who resides in on-campus housing must identify a contact individual (emergency contact) who will be contacted no later than 24 hours from the time the college has confirmed the student missing. The student's designated emergency contact will be kept confidential and will be retained by Residence Life.

Students under the age of 18 and who are not emancipated must designate an emergency contact. In the event that a student under the age of 18 is determined to be missing, the student's custodial parent or legal guardian will be notified no later than 24 hours after the student is determined to be missing.

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Department of Residence Life.

The Department of Residence Life will notify Campus Safety and the Student Care Coordinator (Dean of Students).

The Student Care Coordinator (Dean of Students) will notify the Plan Executive and Director (Executive Vice President and Treasurer).

First Two Hours
Within the first two hours of receiving the initial report:

**Campus Safety Coordinator (Operations Manager, Department of Facilities)**
- Conduct a thorough search of the campus for the student.
- Search for the student's vehicle on campus.

**Facilities Coordinator (Director of Facilities)**
- Check to see if the student has a college registered vehicle.

**Emergency Operations Plan Coordinator (Director of Auxiliary Services)**
- Check to see when the student's meal card was last used.

**Student Care Coordinator (Dean of Students)**
- Search for the student in his/her classes.
- If possible, call the student's cell phone.
- Contact fellow club and committee members.
- Interview the student's friends, roommates.
- Check student's Facebook page (in conjunction with interviewing student's friends as they may permit access).
- Contact the student's parents/legal guardians.
**Information Systems Coordinator (Director of Information Technology)**

- Send an email to the student or determine whether their Nyack account has been accessed.

**Academic Operations Coordinator (Provost)**

Registrar personnel will:
- Contact the student's professors.
- Contact the student's academic advisor.
- Check the student's class schedule.

**After the First Two Hours**

Two hours after receiving the initial report and the student is not located, unless extenuating circumstances exist, the Student Care Coordinator (Dean of Students) or his/her designee will contact the South Nyack Police Department and provide them with the name and description of the missing student. The Police will then respond to the campus.

**Within 24 Hours**

Twenty-four hours after receiving the initial report and the student is not located, the Plan Executive and Director (Executive Vice President and Treasurer) will notify the News and Information Coordinator (Director of Public Relations) that there may be a missing student and instruct him/her to prepare draft statements for the media. At this time, unless extenuating circumstances exist, the college's News and Information Coordinator (Director of Public Relations) or his/her designee will contact the local news media and provide them with the name and description of the student. If the South Nyack Police Department determines that publicity would jeopardize the investigation and/or safety of the student, the local news media will not be notified.

**Educational Programs: Security Awareness Programs and Crime Prevention Programs**

During orientation in September and January, students are informed about security awareness and crime prevention. Video and slide presentations outline ways to maintain personal safety and residence hall security, as well instructions on how to act during an active shooter situation. Students are told about crime on-campus and in surrounding neighborhoods. Student leaders also attend mandatory training in emergency management each August. Residence Life staff and Professional Staff facilitate programs and provide instructions on fire safety and security awareness and prevention during various mandatory all Hall meetings. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

When time is of the essence, a campus wide warning may be issued. The warning will be issued through the college e-mail system or via the NyackAlert Emergency Notification System to students, faculty and staff. Students are encouraged to enroll their e-mails and phone(s) in the Emergency Notification System at [https://e2campus.net/my/nyack/signup.htm](https://e2campus.net/my/nyack/signup.htm) or at www.nyack.edu go to “Student Life”, selecting “Auxiliary Services”, selecting “Safety and Security”, and select “NyackAlert (e2campus) Timely Warning”.

**Alcohol and Other Drug Prevention Programs**

Each student is furnished with a copy of the College’s alcohol and other drug policy as well as campus and community referral resources in the Student Handbook available on the Student Portal in July.

Counseling Services also offers a “Mentoring Program” for students with “at risk behaviors” (alcohol, drugs and aggressive behavior). All students who participate in the “Mentoring Program” must sign a voluntary “Contract” form for a one-academic-year commitment. Counseling Services also offer psycho-educational “Addictions and Recovery” groups, individual counseling sessions, workshops during the spring semester, informational pamphlets and brochures. National Alcohol Screening Tests and other Mental Health Disorders Screening Tests are also available in the Counseling Services Office.

The following documents are available for students and can be found in the Counseling Office in Boon Center.

- Counseling Services Brochure
- Confidentiality Disclosure Statement form
- Contract for Mandated Students
“Addiction & Recovery Group” (flyer)
National Alcohol Screening Test
Coming Forward Policy
“About Drug Addiction” (pamphlet)
“Got A Harassment Problem?” (pamphlet)
“Hate” pamphlet

Counseling Services
The College provides the opportunity for counseling services for individuals. Students may contact the Counseling Office in Boon Center for appointments at (845) 675-4594 or on the Manhattan Campus at (646) 678-6447. The counselors are available at posted hours. Their services are confidential and free of charge.

Annual Disclosure of Crime Statistics
The Nyack College Facilities Department and Auxiliary Services Department prepare this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act. The full text of this report as well as fire and safety policies and procedures can be found on the campus web site www.nyack.edu/safetyandsecurity. You can also access it by going to http://www.nyack.edu/files/NyackCollegeAnnualSecurityandFireSafetyReport.pdf.

A notification is sent to the Office of the President each July from the Department of Education, providing any updated requirements for the Annual Security and Fire Safety Report. The notification is forwarded to the Campus Safety Department, who then contacts the local police departments to acquire crime and fire statistics for the campus. These are compared to security and incident reports on file in the Campus Safety office to verify accuracy, and all required statistics are submitted to the Department of Education and used by the Auxiliary Services Department to update the Annual Security and Fire Safety Report.

Each year by October 1 an e-mail notification is made to all enrolled students, faculty and staff, that Nyack College provides the web site direct link to access the Annual Security and Fire Safety Report. Copies of the report may also be obtained at the following locations:
- Auxiliary Services Department, Boon Center, 1 South Boulevard, Nyack, NY 10960 or by calling (845) 675-4500
- Student Development, Boon Center, 1 South Boulevard, Nyack, NY 10960 or by calling (845) 675-4793
- Facilities Department, Facilities, 146 South Highland Avenue, Nyack, NY 10960 or by calling (845) 675-4595

For prospective students and employees the full text of this report can be located on our web site at http://www.nyack.edu/files/NyackCollegeAnnualSecurityandFireSafetyReport.pdf. A summary of these statistics may be found in the Campus Crime Statistics section of this report.

Campus Crime Statistics
The statistics reported below conform to the categories contained in the Crime Awareness and Campus Security Act (Clery Act). All data for all institutions are available to the public on the USDEOPE website located at https://ope.ed.gov/campussafety Please note that the statistics represent reported crimes. These reports did not necessarily result in arrest, conviction or internal disciplinary action. A crime report constitutes an allegation made to any one of several campus security authorities or the local police. The report may or may not have been found to have legal merit. The following indicates the number of crimes reported on campus for the past 3 calendar years.

In the following categories, “Public Property” reflects the public property around Nyack College Manhattan extension campus at 2 Washington Street (between Battery Place & Morris Street), New York, NY 10004. Statistics reported from 1st Precinct D located in NY, NY.
## Criminal Offenses

### On-campus

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<thead>
<tr>
<th>Criminal Offense</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
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<tbody>
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### On-campus Student Housing Facilities

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### Public Property

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Non-campus

<table>
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<th>Criminal Offense</th>
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<td></td>
<td>2016</td>
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<tr>
<td>i. Simple assault</td>
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<tr>
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<tr>
<td>k. Intimidation</td>
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<tr>
<td>l. Destruction/damage/vandalism of property</td>
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</tbody>
</table>

Hate Crimes

The following hate offenses manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin.

On-Campus

<table>
<thead>
<tr>
<th>Criminal Offense</th>
<th>2018 Total</th>
<th>Race</th>
<th>Religion</th>
<th>Sexual Orientation</th>
<th>Gender</th>
<th>Gender Identity</th>
<th>Disability</th>
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<th>National Origin</th>
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<td>a. Murder/ Non-negligent manslaughter</td>
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### On-Campus Student Housing Facilities

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### 2019 Nyack College Annual Security and Fire Safety Report

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## Arrestds

### On-campus

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<td>a. Weapons: carrying, possessing, etc.</td>
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<tr>
<td>b. Drug abuse violations</td>
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### On-campus Student Housing Facilities

<table>
<thead>
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### Public Property

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<thead>
<tr>
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## Disciplinary Actions

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## VAWA Offenses - Domestic Violence, Dating Violence and Stalking

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Risk Reduction

Maintain Situational Awareness
- Pay attention to the behavior and actions of people and the circumstances around you.
- Be alert for danger signals (for example, someone luring you from a public area to a location out of public view).
- If something seems bad, it probably is! Take action to avoid the threat and immediately report your observations to 9-1-1.

Avoid Isolation
- Isolated persons are more likely to be victimized.
- Walk in groups, especially after dark. There is safety in numbers.
- Avoid isolated areas (locations in which there are no other persons nearby to see or hear if you are victimized and come to your assistance by intervening or alerting the police).
- Avoid isolation indoors (being alone in a laundry room, study area, workspace, etc.).
- Do not go into an isolated location with someone that has not yet earned your trust.

If you Need to get out of an Uncomfortable situation here are some things you can try:
- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends and family can then come to get you or make up an excuse for you to leave.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people who might be able to help you? Is there an emergency phone nearby?

Control Access to Residences
- Keep exterior doors and accessible windows closed and locked.
- Do not leave apartment or residence hall doors unlocked or propped/bolted open.
- Don’t allow strangers into your residence (or allow them to “piggyback” behind you).
- Verify the ID of any maintenance workers that want to enter your residence.
- Notify your RA/AC if locks and other security devices are missing or broken.

Don’t leave property unattended or unprotected
- Don’t leave your valuables (handbags, wallets, laptops, etc.) unattended.
- Keep your car doors locked and don’t leave valuables exposed to view.

Take precautions on the Internet
- Avoid divulging personal information and your daily movements online.
- Utilize the privacy features of the social networking sites you use.
- Be alert for phishing scams.
Report suspicious and criminal activity

- Understand the importance of reporting: a crime cannot be prevented or solved if it isn’t reported!
- Report suspicious and criminal activities immediately!
- When reporting include: location of the incident, time of occurrence, description of the activity observed, description of persons involved, location and direction of travel of suspects, presence of weapons, etc.
- Call 9-1-1 for emergencies on or off campus.
- Non-emergencies on campus, call Campus Safety at 845.222.8812 or ext. 7191.
- Non-emergencies off campus, call South Nyack PD at 845.358.0206.

Blue Light Emergency Phones

- There are three Blue Light Emergency Phones located on campus: behind Simpson Residence Hall, in the back lot behind the Pardington Music Annex, and in the back Christie parking lot. These phones can be identified by a free standing pedestal and blue light mounted on top.
- When the button is pushed, the 911 Dispatch Operator is automatically alerted and an officer is sent to the location of the telephone. If possible, try to describe the emergency and any other information to the Communications specialist.

What to do if you are directly confronted by criminal activity

- If the assailant wants your valuables, give them up (nothing you own is worth your life)!
- If you are being assaulted there are options based on your capabilities and the circumstances:
  - Submission – submitting to a crime may be necessary if there are no other viable options
  - Passive resistance - talking your way out of the situation
  - Seeking assistance – calling loudly for help and fleeing towards other persons or occupied locations
  - Active physical resistance – If you do physically resist, the goal is to break away and get to help.

Personal Supplies

It is important to have emergency supplies on hand. You can find lists online, but here are some of the basics:

- Flashlight
- Blanket
- Water
- Non-perishable food (granola bars, trail mix, etc.)
- Important documents
  - Identification
  - Medical information
  - Emergency contact information
- Small first aid kit
- Cash/credit card
- Charged cell phone

Alcohol and Other Drugs

Because we seek to create an environment that nurtures the spiritual, social, and intellectual growth of young adults, as well as support the physical and emotional well-being of each member of our community, Nyack College is an alcohol-, illegal drugs-, and tobacco-free campus.

In accordance with this policy:

- Students may not consume or possess any alcoholic beverages on campus. Possession of alcohol containers will be considered a violation of this policy. Evidence of alcohol consumption and/or use of marijuana or other drugs (e.g., breath that smells of weed, impaired motor skills or judgment, disruptive, destructive, hazardous, or offensive behavior that can be linked to the consumption) will also be considered a violation of this policy.
- In compliance with the laws of NY State, students who are under 21yrs of age may not drink alcohol on or off campus or be in the company of others who are drinking alcohol or displaying alcohol containers. Underage students who demonstrate evidence of alcohol use, (including, but not limited to breath that smells of alcohol, impaired motor skills and/or judgment) will be subject to sanctioning.
Students are not permitted to be in the company of others who are using a controlled substance or who are in possession of drug-related paraphernalia.

Any student who returns to campus in an inebriated state will be subject to sanctioning.

Any student with a guest who returns to campus in an inebriated state will be subject to sanctioning.

In compliance with the laws of the Village of South Nyack, City of New York and the state of New York, public intoxication is not permitted on campus. Public intoxication includes, but is not limited to, parking lots, walkways, classrooms, hallways, and campus roads.

Alcoholic beverage containers, posters, and other items advertising alcoholic beverages are not permitted anywhere on campus or in conjunction with any activity associated with the College.

Any use of social media (including, but not limited to Facebook, Twitter, Instagram, Vine, etc.) to show drug, alcohol, or tobacco use will be subject to sanctioning.

Students cannot for any reason obtain, manufacture, distribute, dispense, possess, or use any controlled substance (a drug or chemical whose manufacture, possession and use are regulated by the government) or drug-related paraphernalia. This includes use or possession of prescription medication by anyone other than for whom the prescription is written. Anyone involved in the sale or distribution of drugs on or off campus may be dismissed immediately and will be referred to local law-enforcement officials.

Students may not use any substance, even legally obtained, for the express purpose of “getting high.” This policy includes, but is not limited to, the psychotropic use of cough medicine (DXM), inhalants, prescribed drugs, and herbs.

The possession or presence of any amount of a controlled substance is prohibited. This includes but is not limited to, the presence of marijuana smoke or odor, small “roaches,” or residue found in baggies, bowls, pipes, or other paraphernalia. The possession or presence of marijuana or other controlled substance, including but not limited to paraphernalia such as baggies, pipes, bowls, or bongs, may result, minimally, in suspension.

Operating a motor vehicle, on or off campus, while under the influence of alcohol or a controlled substance is a serious threat to oneself and the community and may result in immediate suspension, expulsion, or dismissal. Anyone who injures another person as a result of driving under the influence may be permanently dismissed.

Hosting or in any way assisting or promoting a gathering (on or off campus) that includes underage drinking or drunkenness may result in suspension. Those living at the location where the party is held may be held responsible as hosts regardless of who provides the alcohol.

Any student who encourages another to consume an alcoholic beverage or use any substance as a means to induce that individual to engage in behavior that would otherwise be against that person’s will is subject to dismissal.

Any student who sexually assaults or attempts to sexually assault another person who is intoxicated is subject to immediate dismissal.

The use or possession of tobacco in any form is prohibited by Nyack College Administration on campus as well as within the village of Nyack, city of New York and the surrounding communities. This includes smoking, chewing tobacco, dipping snuff, openly displaying tobacco, and advertising tobacco products in any form.

Possession means having the substances or being in the presence of other Nyack College students who are in possession of these substances. This includes, but is not limited to, residences, vehicles, or in another location on or off campus.

It is expected that while students are enrolled in course work, including breaks during their academic career at Nyack College, they will be in compliance with the Alcohol and Other Drugs policy.

**Sanctions**

Violation of the Alcohol and Other Drugs policy may result in sanctions ranging from a letter of reprimand to dismissal. As noted in the Student Handbook, a record of disciplinary sanctions is kept in the Student Development files while the student is at Nyack. In accordance with FERPA, college officials, as well as parents, will be involved or notified when appropriate. The College will also involve local law enforcement officials when appropriate.

Illegal possession, use, or distribution of illicit drugs, or illegal use or possession of alcohol is punishable under applicable local, state, and federal law. Penalties include stringent fines, loss of driver’s license, loss of possessions obtained through the profits of or used in the sale or distribution of illegal drugs, and/or imprisonment. Students should also be aware that Title 21 of the U.S. Code, § 845A, provides for increased penalties for those persons who manufacture, sell or distribute narcotics, controlled substances and marijuana within 1,000 feet of a public or private elementary school location or secondary school or public or private college, junior college or university.
Any student who is convicted of violating a criminal drug statute is required to notify the College, including the Student Financial Services Office, within five days of the conviction (including pleas of "guilty" or "nolo contendere").

**Help in Overcoming Alcohol and Other Drug Abuse**

Students who find that they are struggling with alcohol and other drugs, their use, and the role it plays in the life that God imagines for us are encouraged to seek help under the Coming Forward Policy. For students who seek help for substance abuse problems, complete confidentiality will be observed to the limit of the law. Confidential counseling and treatment are available to students through campus Health Services and Counseling Services or by referral to appropriate agencies off-campus. Please contact Counseling Services for more information.

Students who are 21 years of age or older found to be responsible supplying alcohol to anyone under the age of 21 are subject to the sanctions stated above. Supplying is including but not limited to:

- Purchasing an alcoholic beverage for someone under 21 years of age.
- Giving an alcoholic beverage to someone under 21 years of age.
- Making alcohol available to someone under 21 years of age.

In addition, a student who is 21 years of age or older who has a guest under 21 that consumes alcohol on or in his/her leased, rented, or owned property is also subject to the sanctions stated above.

We reserve the right to contact the local law enforcement officials.

In accord with changes in the Family Education Rights and Privacy Act, the College may contact parents when any student violates College alcohol or drug policies or laws and is under age 21 or is still a dependent of his/her parents as defined in Section 152 of the Internal Revenue Code. The College reserves the right to exercise total discretion in the imposition of disciplinary sanctions.

All sanctions listed above are the minimum standard sanctions. Should a student have a disciplinary history, regardless if past violations are unrelated to current violations, sanctions imposed may be more severe. Sanctions may also be more severe for multiple concurrent violations. The standard sanctions may be reduced by the presence of substantial mitigating or other appropriate circumstances. Reduction in sanctions is at the discretion of the Student Conduct Committee and/or Dean of Students.

**Coming Forward**

The Coming Forward Policy exists to provide students the space to be heard and assisted if the student owns and takes responsibility for the current issue. Any student desiring to change behaviors or attitudes that are in violation of college Community Lifestyle Expectations or standards has the opportunity to come forward and seek help in changing her/his behavior. A student, who voluntarily confesses a violation of Community Lifestyle Expectations or standards will not face formal disciplinary sanctions, provided the student:

1. Voluntarily initiates confession to a college faculty or staff member;
2. Puts the confession in writing by completing and signing the "Coming Forward Declaration and Agreement Form;"
3. Commits to a Growth Contract outlined by the Dean of Students or other Student Development professional staff member.
4. Understands that sanctions may still be levied based on conversations had and a determination of violation of college policy if said student is coming forward for assistance with a struggle.

Students must come forward prior to any accusation or other discovery of the violation by the Student Development Staff. Nyack College reserves the right not to consider the confession a mitigating circumstance if the student materially falsifies the confession, does not complete the assigned Growth Contract, or continues to violate college policy. Other mitigating circumstances include behavior that is self-destructive, hazardous to others, or a significant civil or legal issue.

The Coming Forward policy does not include instances where the student is a victim of sexual violence, in which case there is amnesty for alcohol and drug use. Please see the Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases for more information.
Reporting a Student of Concern

For those in the Nyack community who teach, supervise, mentor and support our Nyack College students, the following guidelines may be helpful when you believe a student referral should be made.

1. Immediate (but not an emergency): Contact either the Office of Student Development at (845) 675-4790 or x4790 (Rockland) or at (646)378-6131 or x6190 (Manhattan), Residence Life Professional Staff on duty after 7:00PM at (845) 213-9145, or Campus Safety at (845) 222-8812 or x7191(Rockland) or at (646)378-6198 or 6198 (Manhattan), if there is an immediate about the health or safety of a student. Please be sure to speak with someone in person so we can respond quickly.

2. Ongoing but not an immediate health/safety concern: Contact the Dean of Students if your concern does not rise to an immediate health/safety level but you feel that the student could use an additional network of support. Possible referrals could include:
   - A student who is missing a significant number of classes.
   - A student who is expressing disturbing thoughts/feelings in written or oral work.
   - A student who exhibits a change in usual behavior (onset of anxiety, anger, withdrawal).

Upon getting the referral, typically within 24-48 hours, a member of the team will reach out to the student. The faculty/staff member’s name will likely be used in the context of, “Faculty/staff X shared with me through our normal processes of caring for students that they are concerned about you and I am reaching out to you to offer resources and support.” From there, the team member will work with the student to determine appropriate follow up measures.

Once the Student of Concern Committee has identified a student of concern, a decision is made to either address them individually or refer them to the Threat Assessment Team. Nyack College has established a second team entitled “Threat Assessment Team” to address situations where students may need further assessment due to an escalation of disruptive, threatening or worrisome behaviors that have the potential to impede their own academic progress or that have the potential to impede the ability of others to function successfully or safely.

It is imperative that any member of the Nyack College community – faculty, staff or students – immediately report any situation that could result in harm to anyone at the College.

Reporting an Employee of Concern

Workplace violence covers a wide range of disruptive behaviors that may include threats harassment, intimidation, bullying, assaults, stalking and domestic violence that enter the workplace. Lack of awareness and/or failure to commit to action are major contributors to violence in the workplace.

1. Immediate (but not an emergency): Contact either the Office of Human Resources at (845) 675-4608 or x4608, or Campus Safety at (845) 222-8812 or x7191 (Rockland Campus) or at (646) 378-6198 or x6198 (Manhattan Campus) if there is an immediate concern about the health or safety of an employee. Please be sure to speak with someone in person so we can respond quickly.

2. Ongoing but not an immediate health/safety concern: Contact the Director of Human Resources if your concern does not rise to an immediate health/safety level but you feel that the employee could use an additional network of support. Possible referrals could include:
   - Job performance problems, such as inconsistent productivity, excessive tardiness and absenteeism, and poor relations with co-workers.
   - Chronic, hypersensitive complaints about persecution or injustice.
   - Holding grudges, inability to handle criticism, habitually making excuses, and blaming others
   - Bizarre comments or behavior, especially if it includes violent content
Sexual Misconduct and Violence Policy

Sexual Assault, Dating Violence, Domestic Violence, and Stalking
Nyack College will not tolerate any type of sexual assault, dating violence, domestic violence, or stalking committed by students, faculty, staff, or against any student, faculty or staff by any individual not belonging to the campus community. Sexual offenses in the State of New York are outlined under Article 130 of the NYS Penal Law. Nyack College recognizes domestic violence, dating violence, sexual assault and stalking as defined in this document. Committing such offenses can result in lengthy terms of imprisonment and civil action.

Hostile Environment Harassment
Hostile Environment Harassment is the most common kind of harassment. It occurs when repeated offensive behavior or comments create an unpleasant or intimidating environment. This includes offensive statements, materials or gestures (whether by mail, electronic communication or personal encounter) that defame the character, dignity or respect of an individual, ethnicity or culture. Such behavior will not be tolerated and will be subject to disciplinary sanctions. Hostile Environment Harassment may also involve sexual comments or inappropriate touching on a one-time basis.

Sexual Harassment
Harassment on the basis of sex is a violation of New York State Law and the Federal Civil Rights Act. It is the policy of Nyack College to prohibit sexual harassment of its employees and students in any form. In maintaining this policy, the College seeks to assert basic Christian precepts, to affirm ethical standards universally accepted in the workplace and classroom, and uphold existing law. No practice or behavior that constitutes sexual harassment will be tolerated.

Sexual harassment is essentially a display of power intended to intimidate, coerce, embarrass or degrade another person. Usually the harasser has power over the victim (such as a supervisor over a subordinate or a larger person over one of smaller stature), and seeks to exploit unfairly that differential in power. In any form, such behavior undermines the atmosphere of trust and collegiality that Nyack College seeks to foster and is therefore unacceptable.

Reporting Harassment
Any individual who believes that he/she has been the recipient of harassment is strongly encouraged to report the alleged occurrence(s) as soon as possible to a representative of the College with whom the individual feels comfortable discussing the matter (e.g., Residence Hall Director, Advisor, Student Development Staff member, Human Resources, etc.). The representative will then contact the Dean of Students if the alleged harasser is a student. If the alleged harasser is an employee of the College or a vendor/contractor of the College, the representative will contact the academic head at the respective campus or Human Resources. For instances of sexual harassment, students may also contact the Title IX Coordinator at (845) 675-4608.

Sexual Assault and Dating Violence
Sexual assault and dating violence are extreme forms of sexual harassment. The use of threat or force to obtain sexual contact, including sexual intercourse, includes any of the following: (1) any intentional, non-consensual touching or threat or attempt to touch an intimate body part of another person; (2) unwanted, inappropriate disrobing of another person or purposeful exposure of one’s genitals to another; (3) forcing, or attempting to force, any other person to engage in sexual activity of any kind. By definition, a person who is intoxicated, unconscious, mentally impaired, or threatened is unable to give consent. See definitions of sex offenses in the definitions section.
Stalking
Nyack College describes stalking as any behaviors or activities occurring on two or more occasions that collectively instill fear in a reasonable person or cause them to suffer substantial emotional distress. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face, telephone calls, voice messages, texts and instant messages or e-mails, written letters, unwanted gifts, etc.;
- Threatening or obscene gestures;
- Pursuing or following;
- Surveillance or other types of observation;
- Trespassing;
- Vandalism;
- Non-consensual touching.

*These offenses may result in additional charges.

Stalking behavior will not be tolerated. Incidents occurring on or off campus are subject to college discipline when such actions materially affect the learning environment or operations of the College.

Stalking is a crime under New York State law. Incidences of stalking outside New York State may be admissible in court, if it is relevant to the case and may be punishable as a Class B misdemeanor or a Class D felony. Legal options available to victims of stalking include reporting to the local police, seeking a remedy through civil proceedings, and/or utilizing the campus disciplinary process.

**Reporting Stalking**

If an individual believes they are being stalked they should contact the following offices depending on their comfort level:

- **Call Campus Safety**
  - Rockland: Nyack College Campus Safety, x7191 or (845) 222-8812
  - NYC: Campus Safety, x6198 or (646) 378-6198
- **Contact the local police department**
  - Rockland: (845) 358-0206
  - NYC: (646) 610-7272 and file a police report*
- **Students:**
  - Rockland: Dean of Students, Boon Campus Center Room 202, x4790 or (845) 675-4790
  - Call the Residence Life On Duty Phone (845) 213-9145
  - NYC: Dean of Students, 20th Floor, Room 2032, x 6131 or (646) 378-6131
- **Employees:**
  - Contact Human Resources/Title IX Coordinator (845) 675-4608

If you know the identity of the stalker, inquire about the possibility of obtaining a restraining order. Keep a journal of everything that occurs, including dates, places and times of events. When the communication is electronic, save any voicemails, e-mails, texts and instant messages.

*Victims/survivors are not required to file a police report and may decline to do so. Students can also contact Counseling Services, Residence Life, or Student Development for assistance in filing a police report. Employees may contact Human Resources for assistance in filing a police report. If the victim is unable to file a police report (i.e. they are incapacitated, unconscious, etc.) Nyack College will file the report on their behalf.

**Nyack College Students' Bill of Rights**

Nyack College is committed to providing options, support and assistance to victims/survivors, hereafter reporting individuals, of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All reporting individuals of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

- Make a report to local law enforcement and/or state police;
Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the College;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few College representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College.
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.
- Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Director of Human Resources, Campus Security, Local Enforcement, and/or Family Court or Civil Court.

The following is a link to the Students’ Bill of Rights on our website as well as more information concerning our policies: [http://www.nyack.edu/content/SexualAssaultResponse](http://www.nyack.edu/content/SexualAssaultResponse).

**Options in Brief:**
Reporting individuals have many options that can be pursued simultaneously, including one or more of the following:
- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, see Options for Confidentally Disclosing Sexual Violence);
- Make a report to the College through an employee with the authority to address complaints (Campus Security Authorities) including:
  - Dean of Students
  - Graduate Academic Deans
  - Resident Directors
  - Area Coordinators
  - Director of Human Resources/Title IX Coordinator
  - Athletic Director/Coaches
  - Campus Safety
    - Rockland: Nyack College Campus Safety at (845) 222-8812 or x7191;
    - NYC: Campus Safety at (646) 378-6198 or x6198
  - Director of Auxiliary Services
  - Local Law Enforcement; and/or
  - Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on the Nyack College’s website, and posted in each campus residence hall, dining hall, and campus center and shall include links or information to access the Sexual Violence Response Policy below and the Options for Confidentally Disclosing Sexual Violence.

**Sexual Violence Response Policy**
In accordance with the Students’ Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:
Reporting
If a member of the campus community is a victim of a sexual assault, domestic violence, dating violence, or stalking on campus, his/her first priority is to get to a place of safety. It is his/her choice to report any acts of sexual assault, domestic violence, dating violence, or stalking. If he/she wants their assailant to be held criminally accountable for the attack/unwanted sexual contact, call 911 immediately to report what occurred. If the victim, hereafter referred to as reporting individual, desires assistance in making the call, he/she can request help from a campus representative. The police may request a medical evidentiary exam.

A reporting individual may choose to report the assault and then later choose not to pursue the criminal case. If the reporting individual chooses not to report the assault immediately, he/she may still do so at a later time; however, there may be less physical evidence against the attacker if reported at a later time.

Time is a critical factor for evidence collection and preservation. To preserve evidence of the assault:
- Obtain necessary medical treatment.
- Ideally a survivor (reporting individual) of sexual assault should not wash, douche, brush teeth, use the toilet, or change clothing prior to a medical exam.
- Do not straighten up the area where the assault took place.
- The reporting individual should keep a journal of everything that occurred, including dates, places and times of events.
- When the communication is electronic, he/she should save any voicemails, e-mails, texts and instant messages.

(If the reporting individual has already cleaned up from the assault, the crime can still be reported and the police will take a report to investigate.)

Options for Confidentially Disclosing Sexual Violence Policy:

- To **confidentially** disclose an incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services:
  - Rockland: Counseling Office, Boon Campus Center Room 207, (845) 675-4594.
  - NYC: Counseling Office, Room 005, x6447, (646) 378-6447.

- To disclose the incident to one of the following Nyack College officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students’ Bill of Rights, including the right to choose when and where to report, to be protected by Nyack College from retaliation, and to receive assistance and resources from Nyack College. These Nyack College officials will disclose that they are private and not confidential resources and they may still be required by law and Nyack College policy to inform one or more Nyack College officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or the district attorney.

- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Nyack College policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.
  - Director of Human Resources/Title IX Coordinator, Shuman, Room 203, x4608 or (845) 675-4608
  - Rockland: Dean of Students, Boon Center Room 202, x4792 or (845) 675-4792;
  - NYC: Dean of Students, 20th Floor, Room 2033, x 6131 or (646) 378-6131
  - Graduate Academic Deans, various departments at Rockland and NYC
  - Residence Hall Directors:
    - Residence Hall Directors: (845) 675-4574
    - Simpson (845) 675-4610
    - Christie Hall (845) 675-4571
    - Moseley (845) 348-4797
    - Jaffray Hall (845) 213-9145

Residence Life Professional Staff On Duty Phone (845) 213-9145
To disclose confidentially the incident and obtain services from New York State presented in several languages: http://www.opdv.ny.gov/help/index.html (or by calling 1-800-942-6906), and assistance can also be obtained through:
  o RAINN: https://www.rainn.org/get-help
(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

To file a criminal complaint with local law enforcement:
  Rockland:
  o South Nyack Police, (845) 358-0206, 282 South Broadway, Nyack, NY 10960, or if an emergency, dial 911.
  o Rockland County Special Victims Unit (800) 342-3720
  NYC:
  o NYPD Special Victims Division (646) 610-7272

Graduate/Seminary students may file a report of sexual assault, domestic violence, dating violence, and/or stalking with the Title IX Coordinator who will provide information and assistance. Reports will be investigated in accordance with Nyack College policy.
  o Title IX Coordinator, Shuman Room 203, (845) 675-4608, karen.davie@nyack.edu.

State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.

You may withdraw your complaint or involvement from the Nyack College process at any time.

Nyack College shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to Campus Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to Nyack College; to be protected by Nyack College from retaliation for reporting an incident; and to receive assistance and resources from Nyack College.”

When the accused is an employee, a reporting individual may also report the incident to the Nyack College Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable policies in the Employee Handbook. When the accused is an employee of an affiliated entity or vendor of Nyack College, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and Nyack College policy.
  o Karen Davie, Shuman, Room 203, (845) 675-4608, karen.davie@nyack.edu

Resources:
  To obtain effective intervention services.

  Rockland & NYC:
  o Information may be found here: http://albanycountyda.com/Files/OVS%20Rights%20of%20Victims%20of%20Violence%20Booklet%20-%202011.pdf, or by calling 1-800-247-8035.
    - Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a
charge for medical or counseling services off campus. In some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. Options are explained here: https://www.ovs.ny.gov/help-crime-victims

Rockland:

Campus Services:
- Counseling Office (confidential services), Boon Campus Center Room 207, (845) 675-4594 or x4594. There is no charge for these services.

Local Services:
- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at the Rockland County Health Department.
- The Health Department provides a completely confidential walk-in clinic for men and women which offers testing and treatment for a variety of sexually transmitted infections. The STI Clinic asks individuals 20 years of age and older for their insurance information. All individuals under 20 years of age and all those without insurance will receive services at no cost.
  - Rapid HIV testing is available on a confidential and anonymous basis. This clinic also offers Hepatitis A and B vaccines free of charge to patients seen at the clinic. The Health Department offers free HPV (human papilloma virus) vaccine, Gardasil®, to males and females 18 to 26 years of age. If an individual wants to complete his/her HPV vaccine series with the Health Department, he/she must produce documentation of the previous vaccination(s), or they may begin his/her HPV vaccine series with the Health Department.
  - **Times and location:** The clinic is open from 3:00 p.m. – 7:00 p.m. on Tuesday and Thursday evenings at the Robert L. Yeager Health Center, 50 Sanatorium Rd., Building A, 2nd floor, Pomona, NY 10970. An appointment is not necessary (please arrive at the clinic no later than 6:30 pm in order to be seen). Call 845-364-3771 for more information. For HIV test appointment is necessary. Call (845) 364-2570
  - **Fee:** All services are free.
- Crisis Counseling and Intervention
  - Rockland County (845) 517-0400
  - Volunteer Counseling Service (845) 634-5729
- The Sexual Assault Forensic Examiner (SAFE) Program provides specially trained nurses to people who report sexual assault at Good Samaritan Hospital or Nyack Hospital. Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection. For more information on the SAFE kit, click here: https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit
- Center for Safety and Change
  - Services to survivors of domestic violence, abuse, and sexual trauma
    - Zuleika Bueno, Coordinator of Campus Services
    - Center for Safety & Change, Inc.
    - 9 Johnsons Lane
    - New City, NY 10956
    - 845-634-3391 Office
    - 845-634-3396 Fax
    - 845-634-3344 Hotline
    - zbueno@centersc.org
    - www.centerforsafetyandchange.org
- Montifore Nyack Hospital (SAFE kit available); 160 North Midland Avenue Nyack, New York 10960; (845) 348-2000
- Good Samaritan Hospital (SAFE kit available); 255 Lafayette Ave. (Route 59) Suffern, NY 10901; (845) 368-5000.

NYC:

Campus services:
- Counseling Office (confidential services), Room 005, x6447, (646) 378-6447
Local Services:
- **NYC Alliance Against Sexual Assault**: 32 Broadway Suite 1101, New York, NY 10004; (212)229-0345
- Violence Intervention Program 1-800-664-5880
- New York State "Enough is Enough" dedicated hotline for reporting sexual assaults on college and university campuses: (844) 845-7269
- Beth Israel ER/Rape Crisis Intervention & Domestic Violence Program. A survivor of sexual assault may go to any hospital ER for a medical/forensic examination; however, the closest hospital to Nyack College with SAFE examiners (physicians certified in handling cases of sexual assault) is Beth Israel. This hospital is staffed with trained social workers and counselors who provide additional care through the Rape Crisis Intervention Program. The Beth Israel ER is located on First Avenue at 16th Street, New York, NY 10003 General Number: 212-420-2000 Emergency Services 212-420-2840. Rape Crisis & Domestic Violence Intervention Program Dept. of Social Work 317 E 17th St. New York, NY 10003 212-420-4516.
- NYU Langone Medical Center Emergency Room (SAFE kit available for admitted patients); 570 First Avenue, New York, NY 10016 (212) 263-5550

To confidentially disclose the incident and obtain services from the New York State hotline please call 1-800-942-6906. Additional information can be found with the State Department of Victim Services at [http://albanycountyda.com/Files/OVS%20Rights%20of%20CV%20booklet%20-%202011.pdf](http://albanycountyda.com/Files/OVS%20Rights%20of%20CV%20booklet%20-%202011.pdf) or by calling 1-800-247-8035. Options are also explained here: [https://ovs.ny.gov/help-crime-victims](https://ovs.ny.gov/help-crime-victims)

To locate a program near you: [https://ovs.ny.gov](https://ovs.ny.gov)

Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: [https://ovs.ny.gov/sites/default/files/general-form/servicesinyourlanguagecomplaintformenglish.pdf](https://ovs.ny.gov/sites/default/files/general-form/servicesinyourlanguagecomplaintformenglish.pdf).

Assistance can also be obtained through:
- Legal Momentum: [https://www.legalmomentum.org/](https://www.legalmomentum.org/)

(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

**Protection and Accommodations**

- When the accused is a student,
  - to have the college issue a "No Contact Order," consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Nyack College policy. Parties may submit evidence in support of their request. Nyack will establish appropriate schedules for accused and respondents regarding access to applicable buildings at times when reporting individuals are not accessing them.
  - To have assistance from College Officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
  - To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with local police and college officials who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
    - To give an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
To have assistance from college officials in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of local police. Since Nyack College Campus Safety does not have arresting powers, they will call on and assist local law enforcement in effecting an arrest for violating such an order.

When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension, including potential modification and may submit evidence in support of their request.

When the accused is not a student, but is a member of the college community, and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with the employee handbook, and Nyack College’s policies and rules.

When the accused is not a member of the college community, to have assistance from Campus Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and Nyack College policy.

To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment consistent with Nyack College policies and procedures. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them, including a potential modification, and they may submit evidence supporting the request. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

- Rockland Student Development, Boon Center Room 202, (845) 675-4793
- NYC Student Development, 20th Floor, Room 2033, x 6131 or (646) 378-6131

Employee Reporting Individuals

Depending on the particular allegations of a reported issue, employee victims may be given an adjustment to their work environment while an investigation proceeds. Whenever possible and appropriate, the interim adjustments would be made to the accused employee, rather than to the reporting individual (complainant). Such adjustments may include a work location change, supervisor change, work duties change and/or an administrative leave. Employees and their dependents may contact the Employee Assistance Program for confidential support, resources, and information. Human Resources can also assist with referral to professional counseling.

Any violation of this policy shall result in disciplinary action including, but not limited to, warning, reprimand, probation, suspension, expulsion or dismissal. Retaliation against an individual for bringing a sexual harassment complaint is prohibited by law and will lead to further disciplinary action. Nothing in this policy shall preclude a student from seeking redress through external legal proceedings.

Bystander Intervention – How to Be An Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene, if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else’s safety has been threatened or is in danger. Here are some ways you can be an active bystander.

1. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
2. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to the on or off campus resources listed in this report for support or offer to go with them to talk to an on campus authority or Police.
6. Assume personal responsibility. It is EVERYONE’s responsibility to intervene to stop inappropriate behavior. Intervening in these situations, as soon as it is safe to do so, is the best course of action.
What to Do If You or Your Friend Were Sexually Assaulted

**YOU**

Get to a safe place

Tell someone you trust

Call campus safety OR an agency/person you are comfortable with. You also have the right to call law enforcement

Preserve Evidence

- Don’t shower/wash up
- Don’t brush your teeth
- Don’t urinate or use the bathroom
- Don’t disturb the scene, if possible
- Save clothing that was worn at the time of assault
- If concerned about date rape drugs, try to save your drinks or the containers

Go to the hospital for treatment and evidence collection. Treatment is free and confidential

Talk to a professional, counselor or special victims center

Follow through – recovery is not immediate

**A Friend**

Get them to a safe place

Believe them and don’t blame them

Call campus safety OR an agency/person they are comfortable with

Preserve Evidence

- Encourage not to shower/wash up
- Encourage not to brush teeth
- Encourage not to urinate or use the bathroom
- Encourage not to disturb the scene, if possible
- Encourage them to save clothing that was worn at the time of assault
- Encourage to save drinks or containers if concerned about date rape drugs

Encourage them to go to the hospital for treatment and evidence collection and go with them. Treatment is free and confidential

Encourage them to talk to a professional, counselor or special victims center

Encourage them to follow through – recovery is not immediate

A Plain-Language Explanation of Distinctions Between the New York State Penal Law and the Nyack College Disciplinary Processes

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<thead>
<tr>
<th></th>
<th>Criminal Justice System</th>
<th>Nyack College Disciplinary System</th>
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<tbody>
<tr>
<td><strong>Goals</strong></td>
<td>Safety, deterrence, and punishment</td>
<td>Education; safety; safe and supportive campus</td>
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<tr>
<td><strong>Governing Law</strong></td>
<td>NYS Penal Law</td>
<td>Title IX</td>
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<tr>
<td></td>
<td>NYS Rules of Criminal Procedure</td>
<td>The Clery Act, Amended</td>
</tr>
<tr>
<td></td>
<td>Federal Criminal Law</td>
<td>NYS Education Law Sections 129A and B</td>
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<tr>
<td></td>
<td>Federal Rules of Evidence</td>
<td></td>
</tr>
<tr>
<td><strong>How to Report</strong></td>
<td>Crimes involving sexual violence may be reported to:</td>
<td>Victims/survivors may disclose sexual violence to:</td>
</tr>
<tr>
<td></td>
<td>Nyack College Public Safety</td>
<td>Dean of Students (non-confidential)</td>
</tr>
<tr>
<td></td>
<td>New York State Police Department</td>
<td>Title IX Coordinator (non-confidential)</td>
</tr>
<tr>
<td></td>
<td>Local Police</td>
<td>Athletic Dept./Coaches (non-confidential)</td>
</tr>
<tr>
<td></td>
<td>New York City Police Department</td>
<td>Department of Public Safety (non-confidential)</td>
</tr>
<tr>
<td></td>
<td>Federal Law Enforcement Agents</td>
<td></td>
</tr>
<tr>
<td><strong>Will there be an investigation?</strong></td>
<td>Determination is made by law enforcement agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision whether to have a criminal prosecution is made by a prosecutor.</td>
<td>Disclosures made to a Confidential Resource will not trigger an investigation. A decision to investigate disclosures made to the Title IX Coordinator and other Non-Confidential Resources will be investigated only if deemed necessary after weighing a request for confidentiality against the continuing safety of the reporter and the safety and best interest of the campus community.</td>
</tr>
<tr>
<td><strong>Who Investigates?</strong></td>
<td>Police or law enforcement officials</td>
<td>Title IX Coordinator will coordinate the investigation and notify the Vice President. The investigation will take place with different individuals including, but not limited to, Student Development Staff, Student Conduct Committee (SCC), Administration, Faculty.</td>
</tr>
<tr>
<td><strong>Procedures</strong></td>
<td>Governing state or federal law</td>
<td>College policies and Bylaws, which incorporate requirements of governing laws.</td>
</tr>
<tr>
<td><strong>Standard of Evidence</strong></td>
<td>Crimes must be proven, “Beyond a Reasonable Doubt”</td>
<td>A violation of disciplinary rules must be found by a, “Preponderance of Evidence,” which basically means, more likely than not, that it happened.</td>
</tr>
<tr>
<td><strong>Confidentiality/Privacy</strong></td>
<td>A criminal charge and trial must be public</td>
<td>Nyack College offers confidential resources and disciplinary proceedings are kept as private as possible but pursuant to law. Relevant information must be shared with those involved.</td>
</tr>
<tr>
<td><strong>Who are the Parties?</strong></td>
<td>The prosecution and the defendant The victim is not a party</td>
<td>The reporting individual (also referred to as the complainant) and the accused (also referred to as the respondent). The college acts as the finder of fact.</td>
</tr>
<tr>
<td><strong>Participation in the Process</strong></td>
<td>A criminal prosecution can proceed without the participation or cooperation of the reporter but the burden of proof is harder to achieve.</td>
<td>Reporting students cannot be required to participate in the College process. The College will be limited in its ability to respond if the reporting individual does not participate.</td>
</tr>
<tr>
<td><strong>Who Initiates Proceedings?</strong></td>
<td>A prosecutor</td>
<td>The College</td>
</tr>
<tr>
<td><strong>Testimony</strong></td>
<td>Generally public. Witnesses/reporters can be cross examined</td>
<td>The College reporter’s testimony is private. No cross-examination.</td>
</tr>
<tr>
<td><strong>Role of Attorneys</strong></td>
<td>Both state and defendants are represented by counsel</td>
<td>Parties may be advised by attorneys but can only speak with their client.</td>
</tr>
<tr>
<td><strong>Mental Health/Sexual History</strong></td>
<td>Generally, but not always, a reporter’s prior sexual and mental health history is inadmissible in a criminal case</td>
<td>Generally not admissible but subject to very limited exceptions. Education Law 129B permits a party to exclude information of their prior sexual history with persons other than the other party. Evidence of mental health history is also excluded in the fact-finding phase of the disciplinary process.</td>
</tr>
</tbody>
</table>
Possible Results

<table>
<thead>
<tr>
<th>Defendant may:</th>
<th>If there is a formal proceeding, the respondent may be found “responsible” or “not responsible” for violations of College policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>- plead guilty</td>
<td></td>
</tr>
<tr>
<td>- case dismissed</td>
<td></td>
</tr>
<tr>
<td>- guilty or not guilty by a judge or a jury</td>
<td></td>
</tr>
</tbody>
</table>

Sanctions

| Fined, imprisoned, or both | Sanctions range from a warning to suspension or expulsion from the College |

Student Conduct Process

Any violation of this policy shall result in disciplinary action including, but not limited to, warning, reprimand, probation, suspension, expulsion or dismissal. Retaliation against an individual for bringing a sexual harassment complaint is prohibited by law and will lead to further disciplinary action. Nothing in this policy shall preclude a student from seeking redress through external legal proceedings.

College Disciplinary Jurisdiction

The College may exercise disciplinary jurisdiction over student conduct that occurs on or off college premises and which adversely affects the college community and/or the pursuit of college objectives. The conduct may involve a violation of local, state or federal law or violation of college community expectations and lifestyle expectations. A victim (reporting individual) may file complaints through local law enforcement and/or college process.

Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with a violation of law that is also a violation of college lifestyle expectations without regard to pending civil litigation or criminal arrest and prosecution. College disciplinary proceedings may be carried out prior to, simultaneously with, or following any off-campus civil or criminal proceedings.

Residence Life Professional Staff

When the Dean of Students, Residence Director, or Area Coordinator becomes aware of an alleged violation of community lifestyle expectations (via an Incident Report or verbal report), he/she has the opportunity to either meet with the student involved and, if the student is found to be in violation, issue an appropriate sanction, or to forward the case to the Student Conduct Committee (SCC).

Typically, Residence Life Staff (RDs and ACs) will respond to violations of community standards or expectations relating to the residence halls, including, but not limited to, the following:

- Quiet Hours
- Failure to comply with check-in and/or check-out procedures
- Open House
- Roommate mediations
- Curfew
- Missed hall/floor meetings
- Fire safety (including, but not limited to, fire hazards, stacking furniture, not responding to fire alarms, and misuse of fire exit doors.)
- Vandalism, pranks, or hazing
- Entertainment
- Tobacco use in residence halls as well throughout campus
- Disruptive behavior (non-violent)/profanity

Any repeated violation of the above standards will be referred to the Student Conduct Committee. Students who fail to comply with confronting person and/or sanction imposed by Residence Life Staff may also be referred to the SCC.

Student Conduct Committee (SCC)

The Student Conduct Committee (SCC) will hear cases involving violations of law, repeat violations referred by Residential life, and violations of community lifestyle expectations that occur outside of the residence halls and respond appropriately within the boundaries of due process as outlined in the Student Handbook. All decisions of the committee are considered college responses to violations of community standards.
SCC Members:
- Chief Judicial Officer
- Faculty/Staff Panel
- Students

The Student Conduct Committee is particularly concerned with community standard violations that have a continued negative impact on the college community.

Specific violations the Student Conduct Committee (SCC) will adjudicate, include, but are not limited to:
- Disruptive behavior (violent)
- Trespassing
- Theft
- Violations of social networking policy
- Alcohol possession and consumption
- Drug possession and/or use
- Hate Crimes
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Assault, Sexual Harassment, Date Rape
- Any repeated violations of standards that negatively impact the college community

Notification of Misconduct Hearing for Non-Title IX Violations
When an SCC hearing becomes necessary, the student accused of the community standard violation(s) shall receive a written notice via Nyack email specifying the alleged violation(s) as well as the date, time, and place of the hearing. This notice will be given at least two (2) business days in advance of the hearing. If a student who has received appropriate notice fails to appear before the SCC, evidence in support of the violation may be presented and considered even if the student is not present. As all students are responsible to check their emails regularly (see Information Technology Expectations in the Student Handbook), not reading the email notice is not an excuse for not showing up to a hearing. All reasonable effort will be made to schedule the hearing at a time that does not conflict with a student’s class schedule. SCC hearings take place on the first and third Thursday of each month (emergency hearings will be called when necessary). However, the student is ultimately responsible for attending the hearing at the scheduled time; absences from class, athletic practice, work, or other activities will not be excused. Decisions can still be determined even if the student fails to show up to his/her hearing.

Procedures for Adjudicating Title IX Violations
Reports of all Title IX violations are directed to the Title IX Coordinator. The Title IX Coordinator will review the complaint and determine if the case falls under the guidelines of Title IX procedures. If so, he/she will coordinate an investigation. He/she will also notify the Vice President that such an investigation will take place. A no-contact order between the complainant and respondent will be issued. This helps to ensure the integrity and privacy of the process. In addition, reasonable accommodations to increase the complainant safety and well-being on campus will be considered.

The College’s procedures seek to ensure a prompt (within 60 days of initial reporting), fair, and impartial investigation and resolution.

Investigation
The Title IX Coordinator will determine who will conduct the investigation to determine the facts of the case as completely as possible.

Participation
If a student reports a sexual misconduct, but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by the Title IX Coordinator to determine if there is sufficient information to proceed with an investigation without reporting individual or claimant participation.

If the respondent does not wish to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process, based on appearance of new information not available to the hearing panel, does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

**Investigative Process**

The investigator will take primary statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the code of conduct, and ask follow-up questions as needed. The complainant and respondent may each suggest questions to the investigator to be asked of others, and may also suggest others with which the investigator should speak. The investigator will make final decisions about with whom to speak and what to ask. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also pull together any additional evidence available. The investigator may consult with the Title IX Coordinator in decisions regarding the investigation process.

The investigator will produce a report of his/her findings, which will include a list of those interviewed and copies of any additional material referenced. The investigator will present the report to the Title IX Coordinator who will ask for feedback and comment from both the claimant and respondent. The complainant and respondent each have 5 days following the receipt of the report to write a response to it, if they so wish. Responses will be included with the final report. Upon receiving feedback and comment, the Title IX Coordinator will review the report and supplemental information. A determination will be made about whether or not there is adequate information available to proceed to a conduct hearing. The Title IX Coordinator may request that additional information be gathered in order to make an appropriate determination.

Should a determination be made that the information gathered warrants a Conduct Hearing, the complete report, with participant responses, will be sent forward to the hearing panel for adjudication (or Human Resources, should the respondent be an employee of the College).

**Respondent and Reporting Individual Rights**

- To file student conduct charges against the accused: Anyone reporting an incident of sexual assault, domestic violence, dating violence, or stalking will have the opportunity to complete a Sexual Assault Incident Report and choose whether to have the College investigate the incident and bring student conduct proceedings against the accused. Conduct proceedings are governed by the procedures set forth in the Nyack College Student Handbook as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

- Throughout conduct proceedings, the respondent and the reporting individual will have:
  - The same opportunity to be accompanied by an advisor of his/her choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  - The right to a prompt response to any complaint and to have his/her complaint investigated and adjudicated in an impartial 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 he/she is required to or is 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 evidence in the case file relevant to the conduct case (or otherwise held by Nyack College).

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 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 sanctions, and the rationale for the decision and any sanctions.

The right to written or electronic notice 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 which has been 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.

All hearings will be conducted by the Student Conduct Officer and the Student Conduct Committee, in the Nursing Department Conference Room, located at Boon Campus Center LL.

To file student conduct charges against the accused. Anyone reporting an incidence of sexual assault, domestic violence, dating violence, or stalking will have the opportunity to complete a Sexual Assault Incident Report and choose whether to have the College investigate the incident and bring student conduct proceedings against the accused. Conduct proceedings are governed by the procedures set forth in the Nyack College Student Handbook located in the student portal as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

**SCC Hearing Procedure**

The hearing shall be conducted in private. The SCC will admit relevant witnesses. Relevant witnesses are those persons who have firsthand knowledge of the behavior/incident in question (i.e. eye and ear witnesses). Both the respondent and the SCC have the right to call witnesses. Confidentiality will be maintained subject to legal requirements to disclose final hearing outcomes.

In hearings involving more than one respondent, the chair of the SCC may permit the hearings to be conducted either separately or jointly.

A member of the SCC designated by the chair shall present the evidence against the respondent.

The respondent shall have the right to appear in person at the hearing, to be fully informed of and to challenge the charge(s) and evidence, address witnesses’ statements, to present relevant witnesses and evidence on her or his behalf, and to remain silent.

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The respondent and complainant shall have the right to be assisted by an advisor of her or his choice. The advisor may attend the hearing but may not speak or otherwise participate. Because these are college disciplinary procedures and not legal proceedings, attorneys may not serve as advisors, except in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The members of the SCC may question the reporting individual, witnesses, and/or the accused. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in civil or criminal court, are not used in college disciplinary hearings.

All procedural issues (e.g., testimony or evidence to be admitted or excluded, questioning of witnesses, conduct of the hearing, etc.) shall be subject to the final decision of the SCC.

Dishonesty on the part of the respondent or evidence produced at the hearing that the respondent may have violated another college community lifestyle expectation may be treated as a separate disciplinary violation.

After hearing all evidence and witnesses, the SCC shall determine whether the respondent is responsible for each disciplinary violation with which he or she is charged. The determination shall be made on the basis of the preponderance of the credible evidence (defined as whether it is more likely than not that the respondent is responsible for the violation).

**Decision**

Within seven working days of the conclusion of the hearing, the respondent will be provided with a hard copy and an electronic copy via Nyack e-mail of the SCC decision made. In a Title IX Investigation, the respondent, complainant, and investigator will receive the decision in writing simultaneously. The decision will include a statement of outcomes, including findings of fact and any sanctions imposed, as well as the applicable appeal procedure. Please be advised that if a student is visiting the SCC repeatedly for the same or different violations of college policy, sanctions will increase from the time of the last infraction. In compliance with federal law, the reporting individual will be provided with a limited notice of outcome (containing the name of the student found responsible, the violation committed, and the sanction imposed) only in the case of a crime of violence or non-forcible sex offense.

**Employee Conduct Process**

Following the assessment, report, and recommendation of an Investigatory Committee, the administration will consider the presented recommendations and make decisions about employee disciplinary steps. Such disciplinary steps may include further education for an individual, further education for a work group, verbal discussion or counseling, written warning, suspension, demotion, transfer, reduction in salary, or termination.

**Standard of Evidence**

Since Title IX is a federal civil right, the appropriate standard of evidence is a “preponderance of the evidence.” This standard of evidence means that a hearing must determine whether a complaint of sex discrimination is “more likely than not” to have occurred or 51% likely to have occurred. This standard applies for all complaints of sex discrimination, including sexual harassment and violence, because Title IX outlines standards for school disciplinary processes — not criminal complaints, which require the highest standard of evidence, “beyond a reasonable doubt.”

**Transcript Notations**

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092 (f)(1)(F)(i)(I)-(VIII), Nyack College will make a notation on the transcripts of students found responsible after a conduct process that they were “suspended after finding a responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from Nyack College while conduct charges are pending, and declines to complete the disciplinary process, Nyack College will make a notation on the transcript of such students that they “withdrew with conduct charges pending.”

Appeals seeking removal of a transcript notation for a suspension may be awarded, provided that such notation will not be removed prior to one year after conclusion of the suspension; notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

**Sanctions**

The following sanctions can be issued either by In-House Residence Life Staff or the Student Conduct Committee following the conclusion of appropriate protocol.
Nyack College's Community Lifestyle Standards are grounded in the principles of education, personal growth and faith formation – all of which are central to the mission of the College. Discerning and applying appropriate sanctions, with a view toward holistic restoration, helps to hold students accountable to our community standards while promoting their individual growth and learning.

The list below represents a general framework of what sanctions a student could receive for various Code of Conduct violations.

The following variables will be considered in determining the range of sanctions and whether or not additional sanctions may be applied: a student’s truthfulness throughout the student disciplinary process, prior disciplinary history, and the severity of the impact of the violation on the community. Students are expected to encourage each other in their adherence to the Code of Conduct; thus, a student who is present but not participating in the misconduct may or may not be held to the same level of sanctions as the participant.

The following sanction list is not exhaustive but serves as a general guide in the student disciplinary process:

- **Written Warning:** A written notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

- **Probation (Levels I, II or III):** An official notification directing the student to comply with the terms of the probation levels while in general exhibiting good conduct by obeying College rules and regulations during a specified probation period. Further violations and/or failure to comply with sanctions will result in increased Probation Levels, with accompanying sanctions of a more stringent nature.

- **Probation Oversight:** A requirement on the student to meet with Residence Life Professional Staff, the Dean of Students, or the SCC to outline and commit to a Growth Contract. Students must complete the requirements outlined in the Growth Contract by the conclusion of their probationary period in order to avoid additional sanctions.

- **Counseling:** The SCC may decide that a student needs additional counseling and mandate it as a term within the Growth Contract. Upon initial visit to Counseling Service, the student will again be asked to sign the Consent to Release and Obtain Information form (although information discussed with a counselor is confidential, this form is to ensure that the student is in compliance to the Growth Contract).

- **Restitution:** Reimbursement by the student to the College or a member of the College community to cover the cost of damage to or misappropriation of property.

- **On-Campus or Off-Campus Community Service Assignment:** The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

- **Fines:** A monetary assessment that may vary because of the nature and/or frequency of the violation. The type of violation will determine whether the fine is to be paid in cash or placed on the student's tuition bill.

- **Mandatory Alcohol/Drug Evaluation and/or Education:** Mandate student to obtain an Alcohol/Drug Evaluation and/or attend a mandatory Alcohol/Drug Education Workshop.

- **No Trespass and No-Contact Orders:** In addition to No Trespass and No-Contact Orders that may be imposed pending an investigation and/or the resolution of an alleged Community Lifestyle Violation, the College may also impose a No Trespass and No Contact Orders as discipline upon the outcome of an In-House residence life hearing or SCC hearing.

- **Parental Notification:** The College recognizes each student as a responsible adult. However, in certain cases, the College will require the student to notify his/her parent/guardian regarding his/her alleged participation in a Community Lifestyle Violation. The College also reserves the right to notify parents/guardian in situations where a student's health or safety may be in jeopardy.

- **Loss of Privileges:** A student’s ability to participate in a campus leadership position may also be impacted if a student receives any of the following sanctions as part of disciplinary hearings. (i.e.: residence assistant, Student Government leader, student worship leader, student activities team member, student athlete, study abroad, etc. any role in which a student receives a scholarship to represent the college.)

As a result of noncompliance with either probationary criteria or as a result of violation of community lifestyle expectations a student's housing or commuter privileges could be effected in the following ways:

- **Residence Suspension:** The student will be asked to terminate occupancy of on-campus residence for a specified period of time. The student must remove all belongings from the residence hall within 24 hours of receiving notice, returning all keys to residence life. The student will be obligated to pay the full room and board charge for the
semester in which he/she is dismissed. During the suspension, the student will be denied access to all residence hall facilities. After the residence hall suspension period ends, the student is required to return to campus housing and will be billed room and board upon re-registration for classes accordingly. Upon return, the student will not be guaranteed his/her original place of occupancy and the student’s seniority and/or priority in the room selection process will be reviewed.

- **Dismissal from College Housing/Loss of privilege to live in college housing:** Students required to live on campus who are dismissed from college housing may be dismissed from Nyack College. Any student dismissed from the residential community prior to the end of the contractual period may be responsible for any remaining monetary charges and become ineligible for reimbursement for any charges already paid. Dismissal from college housing may happen independently of, or in addition to, other sanctions.

- **Dismissal/Permanent separation of the student from Nyack College:** The student is dismissed from the College and is permanently ineligible to re-enroll at the College at any time in the future. When students are dismissed, expelled, or suspended for disciplinary reasons, there will be no refund of tuition or room and board for the semester and all financial assistance for subsequent semesters will be reviewed and are subject to cancellation.

- **Suspension:** Temporary separation of the student from Nyack College for a definite period of time, after which the student is eligible to return without re-applying through the Office of Admissions. If the student is absent for two or more academic years, he/she will be required re-apply for admission, as is the case for all students. Conditions for readmission may be specified.

- **Interim Suspension:** In certain circumstances, the Dean of Students or designee may impose an interim suspension prior to a disciplinary hearing. Interim suspension may be imposed for any of the following reasons:
  - To ensure the safety and well-being of members of the college community or preservation of college property
  - To ensure the student’s own physical or emotional safety or well-being
  - If the student poses a definite threat of disruption of or interference with the normal operations of the College

- **Expulsion:** Temporary separation of the student from Nyack College for a definite period of time, but not less than two semesters, after which the student must re-enroll through the Office of Admissions and be granted acceptance before becoming eligible for re-enrollment at the College. Conditions for readmission may be specified, but the student is not guaranteed readmission.

- **Persona Non Grata (PNG):** If a student, guest or visitor has exhibited behavior which has been deemed detrimental to the College residential community the student, guest or visitor will be no longer welcome or permitted to be present on any College owned property. Under no circumstance is a person who is declared Persona Non Grata permitted to be in or around the Nyack College facilities and their surrounding parking lots. If the individual said to be violating this policy is found in or around any of the aforementioned restricted areas, they may be subject to arrest for trespassing.

- **Disciplinary Withdrawal:** Students may seek permission from the Dean of Students to voluntarily withdraw from the College after involvement in a serious violation of college Community Lifestyle Expectations and standards before official disciplinary action is taken. A permanent record will be kept in college disciplinary files. Academic advisors, Residence Life Professional Staff, and parents are normally notified of the reason for withdrawal. Refunds are issued on a prorated basis (please see the catalog for full details). Conditions for readmission may include a personal interview, counseling, evidence of satisfactory academic work and community contribution at another educational institution, evidence of satisfactory employment, or other conditions.

**NOTE:** Students who have been suspended, withdrawn, or expelled for disciplinary reasons are not permitted on campus without prior approval of the Dean of Students.

### Student Records

Disciplinary sanctions other than dismissal from the College shall not be made part of the student’s permanent academic record (except in cases of crimes of violence that meet Clery Act reporting requirements - see Transcript Notification Policy), but shall be retained in the student’s confidential record. Except in cases that result in suspension, expulsion, or dismissal, disciplinary actions shall be removed from a student’s confidential record three years after graduation.

### Appeals

The College has implemented procedures for student appeals with the intent of assuring fundamental fairness. Students who believe they were not treated fairly in the disciplinary process can submit a written appeal to the Student Life Disciplinary Appeals Committee. The appeal can be emailed to the Appeals Committee at [studentlifedisciplinaryappealscommittee@nyack.edu](mailto:studentlifedisciplinaryappealscommittee@nyack.edu).
Student Life Disciplinary Appeals Committee Members:

- Dean of Students
- Faculty Member
- Staff Member

The written appeal must specify grounds that would justify consideration. Written appeals must be submitted within 48 hours of the sanction and the student must leave campus while awaiting outcome of appeal. General dissatisfaction with the outcome of the decision or an appeal for mercy is not an appropriate basis for an appeal. The written appeal must specifically address at least one of the following criteria:

- Insufficient evidence to support the decision
- New evidence or facts not known to the student at the time of the hearing
- Procedural irregularity that undermined the student’s ability to present a defense
- Inappropriateness of the sanction for the violation of community lifestyle expectations

Generally the appeals process does not require a hearing, nor does it require the Student Life Disciplinary Appeals Committee members to make personal contact with the student or the Student Conduct Committee.

The Student Life Disciplinary Appeals Committee may affirm, reverse, or modify the sanction. The Appeals Committee may also return the case to the SCC for further consideration. The decision of the Student Life Disciplinary Appeals Committee will be final and effective immediately. There is no appeal beyond the Student Life Disciplinary Appeals Committee.

Students will receive the final decision from the Student Life Disciplinary Appeals Committee within 48 hours of the Committee meeting. Students are expected to complete the sanctions as outlined by the SCC until they have received notice of granting or denial of appeal.

If an appeal is denied between the fall and spring semester, students must properly check out of their rooms, return their key, and remove all items before the first official day of classes in the spring semester. Failure to comply will result in accumulated room and board charges.

Authority of Dean of Students

In extraordinary circumstances, the Dean of Students may initiate immediate disciplinary action without referring a student to a disciplinary hearing. Examples of such situations include potentially inflammatory or dangerous circumstances, violations occurring during breaks or vacations, situations involving off-campus parties, and situations where student or victim privacy rights are of particular concern. The Dean of Students will take such action in consultation with appropriate college officials.

NC/NYC Disciplinary Procedures

The philosophy of discipline for both Nyack College campuses is the same; however, disciplinary procedures at NC/NYC may be modified at the discretion of the Dean of Student Life. While the processes may differ in form, the sanctions imposed are considered to be corporate; that is, sanctions imposed for a violation of Community Lifestyle Expectations on the Nyack campus will be in effect for that same student at the New York City campus. Therefore, during the period of any student’s suspension or expulsion, he/she will not be permitted to attend classes on any Nyack College campus.

Students at NC/NYC should direct any questions regarding disciplinary procedures to the Office of the Dean of Student Life.

Options for Confidently Disclosing Sexual Violence

Nyack College wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual assault, dating violence, domestic violence, or stalking to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

- Privileged and Confidential Resources
- Non-Professional Counselors and Advocates
Privileged and Confidential Resources

- Individuals who are confidential resources will not report crimes to law enforcement or College officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Nyack College, this includes:
  - **Rockland**: Counseling Office, Boon Campus Center Room 207, x4594, (845) 675-4594, [https://www.nyack.edu/site/nyack-college-counseling-services/](https://www.nyack.edu/site/nyack-college-counseling-services/)
  - **NYC**: Counseling Office, Room 005, x6447, (646) 378-6447, [https://www.nyack.edu/site/counseling-services/](https://www.nyack.edu/site/counseling-services/)

- Off-campus options to disclose sexual violence confidentially include (note that these outside options do not provide any information to the campus):
  - **Rockland**:
    - Rockland County Crisis Centers/Local SANE (Sexual Assault Nurse Examiner) and SAFE (Sexual Assault Forensic Examiner) hospitals and programs
    - Zuleika Bueno, Coordinator of Campus Services
      - Center for Safety & Change, Inc.
      - 9 Johnsons Lane
      - New City, NY 10956
      - 845-634-3391 Office
      - 845-634-3396 Fax
      - 845-634-3344 Hotline
      - zbueno@centersc.org
      - [www.centerforsafetyandchange.org](http://www.centerforsafetyandchange.org)
      - Nyack Hospital
        - 160 N. Midland Avenue, Nyack, NY 10960
        - (845) 348-2000
      - Good Samaritan Hospital
        - 255 Lafayette Avenue, Suffern, NY 10901
        - (845) 368-5000
  - **NYC**:
    - **NYC Crisis Centers**
      - Beth Israel ER/Rape Crisis Intervention & Domestic Violence Program. A survivor of sexual assault may go to any hospital ER for a medical/forensic examination; however, the closest hospital to Nyack College with SAFE examiners (physicians certified in handling cases of sexual assault) is Beth Israel. This hospital is staffed with trained social workers and counselors who provide additional care through the Rape Crisis Intervention Program. The Beth Israel ER is located on First Avenue at 16th Street, New York, NY 10003. General Number: 212-420-2000. Emergency Services: 212-420-2840. Rape Crisis & Domestic Violence Intervention Program Dept. of Social Work, 317 E. 17th Street, New York, NY 10003, 212-420-4516.
  - **Rockland & NYC**:
    - **Off-campus healthcare providers**
      - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for healthcare and counseling services, including emergency compensation. More information may be found here: [https://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf](https://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf) or by calling 1-800-247-8035. Options are explained here: [http://www.ovs.ny.gov/helpforcrimevictims.html](http://www.ovs.ny.gov/helpforcrimevictims.html). Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law,
including when an individual is a threat to him/herself or others and the mandatory reporting of child abuse.

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency’s policies on confidentiality may be obtained directly from the agency.

### Definitions

- **Advisor:** An individual chosen by the survivor/victim or the responding party to assist them the survivor/victim or the responding party through the College's investigation process. The Advisor may provide private counsel to the survivor/victim or responding party, but may not speak on behalf of the individual.

- **Business Days:** Official working days when the college is open for business; does not include weekends and College recognized holidays.

- **Clery Act:** A federal law, codified at 20 U.S.C. § 1092(f), that requires all colleges and universities who receive federal funding to share information about crime in or around campus and efforts to improve campus safety.

- **Clery Act Crimes of Violence:** Clery Act Crimes are codified at 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII), and include murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and, arson.

- **Consent:** **Affirmative Consent** - Nyack College maintains a historic Christian ethic that views any sexual activity outside of marriage between a man and a woman as inappropriate. While the following content is not an endorsement of sexual activity apart from marriage, Nyack recognizes its responsibility to inform students of the definitions of consensual and non-consensual acts.

#### Higher Education Act 129-B Definition of “Affirmative Consent”

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

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.

- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

- Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.

- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

- When consent is withdrawn or can no longer be given, sexual activity must stop.

- **Force:** The use of physical violence and/or imposing on someone physically to gain sexual access, including threats, intimidation, and/or coercion that overcome resistance or produce consent. Consent is not effective when forced.

- **Impact Statement:** A statement drafted by a member of the College community explaining to the College how the underlying incident(s) has impacted his or her life.

- **Incapacitation:** A state where an individual cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent. Incapacitation may be caused by lack of consciousness, being asleep, being involuntarily restrained. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- **Title IX:** A federal law, codified at 20 U.S.C. § 1681 et seq., that prohibits discrimination on the basis of sex in educational programs and activities. Specifically, the law provides that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under an educational program or activity receiving federal financial assistance.”
Title IX Coordinator: The Title IX Coordinator is the Nyack College employee responsible for ensuring that the College is complying with all Title IX regulations and is charged with the primary responsibility for coordinating the College’s Title IX compliance efforts.

Privacy versus Confidentiality: How Nyack College Will Weigh the Request and Respond:
If you disclose an incident to a Nyack College employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh your request against your obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

Even Nyack College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Nyack College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: Student Development, Boon Center Room 202, (845) 675-4793. We will protect your privacy insofar as it does not impede the necessary accommodations you require. We also may take proactive steps, such as training or awareness efforts to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the College’s failure to act may result in harm to you or other members of the Nyack College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual assault, domestic violence, dating violence, stalking, or sexual harassment, but wish to maintain confidentiality, Nyack College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking; the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Public Awareness/Advocacy Events:
If you disclose a situation through a public awareness event including candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation. Nyack College may use the information you provide to inform the need for additional education and prevention efforts.

Confidentiality and Non-Retaliation
Publicly available records involving any incidents will protect the identity of all parties involved to the extent permissible by law by referring to parties as “reporting individual 1, reporting individual 2, etc.,” “Witness 1, Witness 2, etc.,” and “Accused 1, Accused 2, etc.”

All allegations of sexual harassment will be taken seriously and thoroughly investigated with appropriate support for and respect of the alleged victim. If it is determined that an intentionally false accusation of sexual harassment has been made, this too will be investigated thoroughly and treated seriously.

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The College prohibits retaliation against persons who in good faith report violations of this policy or cooperates in an investigation. The College also prohibits the filing of knowingly false or misleading reports and providing knowingly false or misleading information in an investigation. Discipline or other action can result from either of these acts in violation of this policy.

Institutional Crime Reporting
Reports of crimes occurring in Clery geographic locations will be included in the Nyack College Annual Security and Fire Safety Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor.

Nyack College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

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

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

Onboarding and Ongoing Education Guide
Nyack College and Alliance Theological Seminary will continue to educate all new and current students as well as employees, using a variety of best practices aimed at educating the entire college community in a way that decreases violence and promotes a culture where sexual assault and acts of violence are not tolerated.

Students
All incoming students and transfer students will, during the course of their onboarding to Nyack College, receive mandatory training on the following topics, using a method and manner appropriate to the institutional culture of each campus. Student leaders were also added to the list in 2018. Nyack College prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the Institution.

- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, Campus Security, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on reporting individuals (victims/survivors) and their friends and family, and its long-term impact.
- The Students’ Bill of Rights and Sexual Violence Response Policy, including:
  - How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
How to obtain services and support.
- Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

Student athletes participate in mandatory training in domestic violence, dating violence, sexual assault, and stalking during the first meeting of the year.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different Nyack College campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. Nyack College will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Nyack College will also share information on sexual violence prevention with parents of enrolling students via the institution’s website’s Consumer Information page.

Students at Nyack College campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, Nyack College will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Nyack College requires that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:
- Peer educational programs
- Course syllabi
- Institution-wide reading programs
- Posters, bulletin boards, and other targeted print and email materials
- Programming surrounding large recurring campus events
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education
- Outreach and partnering with local business which attract students in order to advertise and educate about these policies
- Campus wide all hall meetings, resident directors will inform residential students on safety, and support services
- Student Activities hosts a self-defense course
- Counseling Services hosts workshops and training
- Residence life hosts programs in the dorms for students on campus
- Bulletin boards in every dorm with information on sexual assault safety awareness
- Spiritual formation provides counseling for students who need support
- Counseling Services provides counseling for students who need support

When a student is disciplined as a result of violation of alcohol and drugs, students are put on a growth contract and also must take an online course on alcohol and other drugs prevention on campus.
**Employees**

The first action of prevention occurs prior to commencement of employment. Applicants are required to complete and sign an employment application acknowledging and indicating agreement with the Nyack College Statement of Faith, core values, and equal employment opportunities. All full-time employees, adjunct faculty, and part-time staff with defined roles, must also have a complete and clear background screening before hire. New employees receive the Employee Handbook and sign that they have read and will abide by the College policies including policies about prevention of harassment and discrimination.

Faculty and Staff training also occurs during the Faculty/Staff Retreat in August before the academic year begins. The Title IX Coordinator presents and reviews all Sexual Assault Prevention and Response policies and procedures with employees. In particular, the presentation includes:

- National statistics about the prevalence of sexual assault.
- Institution-specific statistics from the campus climate survey.
- Federal and state legislation aimed at promoting campus safety.
- Examples of safety concerns and discrimination.
- How to respond to an incident or report.
- Online location of all related policies and definitions.

In addition, at least annually, targeted training is given to individuals who hold responsibility for insuring compliance with related federal and state legislations. Some of these targeted trainings include:

- Student Development and Residence Life staff training on Responding to Sexual Assault, Dating Violence, and/or Stalking Victims.
- Student Disciplinary Committee members training on conducting timely and thorough investigations of sexual violence, the effects of trauma, impartiality, and guaranteeing the rights of the respondent.
- Athletic Administrators and Coaches training on institutional policies and processes regarding sexual violence prevention and adjudication and resolution of acts of sexual violence.

Methods of training and educating employees may include, but are not limited to:

- Written resources posted around Campus to improve communication including the “Sexual Assault, Dating Violence, Domestic Violence, and Stalking” Brochure and “Nine Things to Know about Title IX” poster.
- Electronic resources include the Dean’s email to all employees about The Student of Concern Committee’s policies and procedures to promote students’ health and safety.
- Workshops and seminars presented by the Office of Student Development and Counseling Services on topics including Safety in Relationships, Self-Defense, Body Image, Healthy Sexuality, and Strengthening Relationships.
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education.
- Online training resources including Title IX for Higher Education, Campus Security Obligations Under Federal Law, and Sexual Harassment Prevention for Employees.

**Legislative Definitions**

- “Institution” shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.
- “Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees.
- “Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
- “Code of Conduct” shall mean the written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.
Hate Crimes

All students, staff, and faculty at Nyack College have the right to live, work, study, and grow in an environment free from all forms of violence, whether physical or psychological. As kingdom people, members of the Nyack College community are responsible to foster this environment by reporting any behavior in violation of this policy immediately to appropriate authorities, including Campus Safety Officers, Residence Life Professional Staff, the Dean of Students' Office, and/or Human Resources.

Bias-related incidents are behaviors which constitute an expression of hostility, against the person or property of another because of perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. According to New York Penal Law Section 485 and the Clery Act, a person commits a hate crime when he or she commits a specified criminal offense and either:

- intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender or gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender or gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Nyack College is required to report statistical incidence of bias crimes on or around campus annually as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Hate crimes are prohibited, in separate ways, by New York State law and Nyack College policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by Nyack College. The College may pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute. In addition to any criminal penalties, students, staff or faculty who commit bias crimes are also subject to College disciplinary procedures where a range of sanctions is available both up to and including suspension, expulsion or termination of employment.

In order to effectively handle and investigate incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents to the following offices depending on the severity and nature of the offense:
Contact the local police department:
  o Rockland (845) 358-0206 and file a police report
  o NYC 1st Precinct (212) 334-0611 and file a police report
Call Nyack College Rockland Campus Safety, x7191 OR (845) 222-8812
Call Nyack College NYC Campus Safety, x6198 OR (646) 378-6198

Residential Students:
  o Call the Dean of Students x4793 OR (845) 675-4790
  o Counseling Office, Boon Campus Center Room 207, (845) 675-4594

Commuter Students:
  Rockland UG Commuter Students:
    o Call the Dean of Students x4790 OR (845) 675-4790
    o Counseling Office, Boon Campus Center Room 207, (845) 675-4594
  NYC Commuter Students:
    o Call the Dean of Students x6131 OR (646) 378-6131
    o Counseling Office, Room 005, x6447 OR (646) 378-6447

Employees:
  o Contact Human Resources/Title IX Coordinator x4608 OR (845) 675-4608

Please remember that any evidence such as graffiti, e-mails, written notes or voice mail messages should be preserved. Depending on the severity and offense committed the appropriate office in conjunction, when applicable, with local authorities will investigate and follow the appropriate college adjudication procedures. Victims of bias crime can also avail themselves of counseling and support services through the Counseling Services or Human Resources.

Clery Definitions
The following definitions are used for reporting crimes in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))

The following crime definitions are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR) as required by Clery Act regulations.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Criminal Homicide - Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide - Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, suicides, accidental deaths and justifiable homicides are excluded.

**Drug Abuse Violations:** 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.

**Liquor Law Violations:** 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:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

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

**Weapons – Carrying, Possessing, Etc.:** 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.

**Hate Crimes**

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

- **Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

- **Ethnicity/National Origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

- **Gender Identity:** A preformed negative opinion or attitude toward a group of persons based on their gender identity and biological sex not being congruent; the individuals may identify as transsexual or as another transgender category.

**Additional Reportable Offenses if they are Hate Crimes:**

**Larceny-Theft (Except Motor Vehicle):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
**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.

**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.

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

**Sex Offenses-Forcible**
Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

**Forcible Rape**
The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

**Forcible Sodomy**
Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object**
The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender’s genitalia.

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

**Sex Offenses-Nonforcible**
Incidents of unlawful, nonforcible sexual intercourse.

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

**Statutory Rape**
Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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

**Hierarchy Rule:** A requirement in the FBI’s UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.
Newly Added Reporting categories: (Campus Sexual Violence Elimination Act (Campus SaVE), March 7, 2013).

**Domestic Violence:**

i. A felony or misdemeanor crime of violence committed—
   a) By a current or former spouse or intimate partner of the victim;
   b) By a person with whom the victim shares a child in common;
   c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
   d) By a person similarly situated to a spouse of the victim under the domestic or 35 family violence laws of the jurisdiction in which the crime of violence occurred; or
   e) 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.

ii. For the purposes of complying with the requirements of § 668.46 and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

i. 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.

ii. For the purposes of this definition—
   a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   b) Dating violence does not include acts covered under the definition of domestic violence.

iii. For the purposes of complying with the requirements of § 668.46 and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking**

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   A. Fear for the person's safety or the safety of others; or
   B. Suffer substantial emotional distress.

ii. For the purposes of this definition—
   A. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
   B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Other Clery Act Definitions**

**Business Day:** Monday through Friday, excluding any day when the institution is closed.

**Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

**Campus**

i. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

ii. Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Campus Security Authority**

i. A campus police department or a campus security department of an institution.
ii. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

iii. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

iv. 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. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

**Clery Geography**

**On-Campus**- Defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, (2), that is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building Or Property**- Defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - Defined as: 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 Nyack College Crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

**Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program**: A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

**Pastoral Counselor**: A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor**: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

**Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

i. Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—
   A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
   B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

ii. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of § 668.46.

**Referred for Campus Disciplinary Action**: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of Subpart D of § 668.

C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Test:** Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

Definitions from the New York State Education Law Article 129-B

**Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

**Confidentiality:** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

**Privacy:** May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

**Accused:** A person accused of a violation who has not yet entered an institution's judicial or conduct process.

**Respondent:** A person accused of a violation who has entered an institution's judicial or conduct process.

**Reporting Individual:** Shall encompass the terms victim, survivor, complainant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

**New York State Penal Law Definitions**

S 120.40 Definitions.
For purposes of sections 120.45, 120.50, 120.55 and 120.60 of this article:

1. **"Kidnapping"** shall mean a kidnapping crime defined in article one hundred thirty-five of this chapter.
2. **"Unlawful imprisonment"** shall mean an unlawful imprisonment felony crime defined in article one hundred thirty-five of this chapter.
3. **"Sex offense"** shall mean a felony defined in article one hundred thirty-five of this chapter, sexual misconduct, as defined in section 130.20 of this chapter, sexual abuse in the third degree as defined in section 130.55 of this chapter or sexual abuse in the second degree as defined in section 130.60 of this chapter.
4. **"Immediate family"** means the spouse, former spouse, parent, child, sibling, or any other person who regularly resides or has regularly resided in the household of a person.
5. **"Specified predicate crime"** means:
   a. a violent felony offense;
   b. a crime defined in section 130.20, 130.25, 130.30, 130.40, 130.45, 130.55, 130.60, 130.70 or 255.25, 255.26 or 255.27;
   c. assault in the third degree, as defined in section 120.00; menacing in the first degree, as defined in section 120.13; menacing in the second degree, as defined in section 120.14; coercion in the first degree, as defined in section 135.65; coercion in the second degree, as defined in section 135.60; aggravated harassment in the second degree, as defined in section 240.30; harassment in the first degree, as defined in section 240.25; menacing in the third degree, as defined in section 120.15; criminal mischief in the third degree, as defined in section 145.05; criminal mischief in
S 120.45 Stalking in the fourth degree. (NB Effective October 21, 2014)
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
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.

S 120.50 Stalking in the third degree.
A person is guilty of stalking in the third degree when he or she:
1. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or
2. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or
4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.
Stalking in the third degree is a class A misdemeanor.

S 120.55 Stalking in the second degree.
A person is guilty of stalking in the second degree when he or she:
1. Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. Commits the crime of stalking in the third degree in violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or
4. Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or
5. Commits the crime of stalking in the third degree, as defined in subdivision three of section 120.50 of this article, against more persons, in ten or more separate transactions, for which the actor has not been previously convicted. Stalking in the second degree is a class E felony.

S 120.60 Stalking in the first degree.
A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:
1. intentionally or recklessly causes physical injury to the victim of such crime; or
2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

S 120.70 Luring a child.
1. A person is guilty of luring a child when he or she lures a child into a motor vehicle, aircraft, watercraft, isolated area, building, or part thereof, for the purpose of committing against such child any of the following offenses: an offense as defined in section 70.02 of this chapter; an offense as defined in section 125.25 or 125.27 of this chapter; a felony offense that is a violation of article one hundred thirty of this chapter; an offense as defined in section 135.25 of this chapter; an offense as defined in sections 230.30, 230.33 or 230.34 of this chapter; an offense as defined in sections 255.25, 255.26, or 255.27 of this chapter; or an offense as defined in sections 263.05, 263.10, or 263.15 of this chapter. For purposes of this subdivision "child" means a person less than seventeen years of age. Nothing in this section shall be deemed to preclude, if the evidence warrants, a conviction for the commission or attempted commission of any crime, including but not limited to a crime defined in article one hundred thirty-five of this chapter.
2. Luring a child is a class E felony, provided, however, that if the underlying offense the actor intended to commit against such child constituted a class A or a class B felony, then the offense of luring a child in violation of this section shall be deemed respectively, a class C felony or class D felony.

S 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.

Lack of Consent (S 130.05)
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. (Eff.11/1/03,Ch.264.L.2003)
1. Lack of consent results from:
   a. Forcible compulsion; or
   b. Incapacity to consent; or
   c. Where the offense charged is sexual abuse of 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 (Eff.11/1/03,Ch.264.L.2003)
   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 or deviate sexual intercourse, 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. (Eff.11/1/03,Ch.264.L.2003)
2. A person is deemed incapable of consent when he or she is:
   a. less than seventeen years old; or
   b. mentally disabled; or
   c. mentally incapacitated; or
   d. physically helpless; or
   e. committed to the care and custody of the state department of correctional services or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates; (ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine of the executive law; or (iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law, consisting of providing custody, or medical or mental health services for such inmates; or
   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; or
   g. committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility who performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for persons committed to or placed with the office of children and family services and in residential care; or
h. a client or patient and the actor is a health care provider or mental health care provider charged with
rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in
section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual
abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a
treatment session, consultation, interview, or examination. *(Eff.11/1/03,Ch.264,L.2003)*

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, habilitative 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 New York State Penal Law Definitions (Articles S 120.40 – S 130.96)

S 130.10 Sex offenses; limitation; defenses.

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to
consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative
defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the
facts or conditions responsible for such incapacity to consent.

2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of
this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of
section 130.05 of this article.

3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the
third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a,
or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the
circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative
defense that the client or patient consented to such conduct charged after having been expressly advised by the health
care or mental health care provider that such conduct was not performed for a valid medical purpose.

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

S 130.16 Sex offenses; corroboration.

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

(a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual
conduct, or sexual contact, as the case may be, at the time of the occurrence; and

(b) Connect the defendant with the commission of the offense or attempted offense.

S 130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person’s consent; or

2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or

3. He or she engages in sexual conduct with an animal or a dead human body.
Sexual misconduct is a class A misdemeanor.

**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.

**S 130.40 Criminal sexual act in the third degree.**
A person is guilty of criminal sexual act in the third degree when:
1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the third degree is a class E felony.

**S 130.45 Criminal sexual act in the second degree.**
A person is guilty of criminal sexual act in the second degree when:
1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

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

**S 130.50 Criminal sexual act in the first degree.**
A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:
1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.
Criminal sexual act in the first degree is a class B felony.

S 130.52 Forcible touching.
A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching. Forcible touching is a class A misdemeanor.

S 130.53 Persistent sexual abuse. (NB Effective until November 1, 2014)
A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.5 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony. Persistent sexual abuse is a class E felony.

S 130.53 Persistent sexual abuse. (NB Effective November 1, 2014)
A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony. Persistent sexual abuse is a class E felony.

S 130.55 Sexual abuse in the third degree.
A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter’s consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person’s lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person. Sexual abuse in the third degree is a class B misdemeanor.

S 130.60 Sexual abuse in the second degree.
A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:
1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.
Sexual abuse in the second degree is a class A misdemeanor.

S 130.65 Sexual abuse in the first degree.
A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:
1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old; or
4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.
Sexual abuse in the first degree is a class D felony.

S 130.65-a Aggravated sexual abuse in the fourth degree.
1. A person is guilty of aggravated sexual abuse in the fourth degree when:
   (a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
   (b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the fourth degree is a class E felony.

**S 130.66 Aggravated sexual abuse in the third degree.**
Aggravated sexual abuse in the third degree is a class D felony.

**S 130.67 Aggravated sexual abuse in the second degree.**
1. A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:
   (a) By forcible compulsion; or
   (b) When the other person is incapable of consent by reason of being physically helpless; or
   (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the second degree is a class C felony.

**S 130.70 Aggravated sexual abuse in the first degree.**
1. A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:
   (a) By forcible compulsion; or
   (b) When the other person is incapable of consent by reason of being physically helpless; or
   (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section. Aggravated sexual abuse in the first degree is a class B felony.

**S 130.75 Course of sexual conduct against a child in the first degree.**
1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:
   (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or
   (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section. Course of sexual conduct against a child in the first degree is a class B felony.

**S 130.80 Course of sexual conduct against a child in the second degree.**
1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:
   (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or
   (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section. Course of sexual conduct against a child in the second degree is a class D felony.

**S 130.85 Female genital mutilation.**
1. A person is guilty of female genital mutilation when:
   (a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
   (b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child’s labia majora or labia minora or clitoris.
2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
   (a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
(b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony.

§ 130.90 Facilitating a sex offense with a controlled substance.
A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. Knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and

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

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

§ 130.91 Sexually motivated felony.

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

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

§ 130.92 Sentencing.

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.

2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.

3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

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

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

S 130.96 Predatory sexual assault against a child.
A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old. Predatory sexual assault against a child is a class A-II felony