



**Morrisville State College**  
**Annual Security Report**  
**2015**

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

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## **Mission**

At Morrisville State College, the safety and well-being of students, faculty, staff and visitors is of the utmost importance. In collaboration with other departments, the New York State University Police at Morrisville State College work hard to keep the campus as safe and secure as possible. However, a truly safe campus can be achieved only through the active involvement of all who reside, work and study on campus and those who visit campus.

## **Law Enforcement**

The New York State University Police at Morrisville State College consist of sworn police officers, who are graduates of a 20-week training program. University Police operate 24 hours-per-day, 365 days a year and can be reached by calling (315) 684-6410. The department is an authorized terminal user of all local, regional, state and federal criminal justice information systems (e.g., wanted persons, DMV, stolen vehicles/property, criminal records, etc.). Morrisville State College employs police officers to deliver public safety services to the campus community.

Police officers of the New York State University Police at Morrisville State College are armed, duly sworn police officers of the State of New York. Morrisville State College Police Officers possess the same authority and adhere to the same state-mandated standards as municipal police officers. Therefore, under New York law, Morrisville State College officers may enforce laws and make arrests anywhere in the state; however, they concentrate their efforts on the campus and the immediate surrounding area.

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

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

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

## **The Student's Responsibility**

The cooperation and involvement of students in a campus safety program is absolutely necessary to the complete well-being of the college community. Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple,

common sense precautions. Valuable items such as computers, iPods, cameras and televisions should be marked with engraving instruments provided by the New York State University Police Department at no charge. Students, faculty, staff and visitors to campus are encouraged to report potential criminal actions, suspicious behaviors or any emergencies to the New York State University Police by telephone or in person.

### **Public Safety Service**

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

### **Campus Education Efforts**

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

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

“Operation ID” is available to record serial numbers of personal property. Student, faculty and staff vehicles operated on campus require registration with the New York State University Police at Morrisville State College. Decals providing identification and parking lot designation are offered for a fee. Each Morrisville State College police officer participates in the “Adopt-a-Dorm” program whereby s/he becomes familiar with a designated residence hall.

### **Surveillance**

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

### **Emergency Phones**

Emergency telephones are located in strategic locations to provide immediate access to the New York State University Police at Morrisville State College. Each phone is identified by an overhead blue light. Residential students are issued cell phones with a pre-programmed duress function where students can press # UP (# 87) to speed dial University Police.

### **Campus Security Alerts**

Crime Alerts are usually posted for the following crimes: arson, aggravated assault, and criminal

homicide, robbery, and sex offenses. Crime alerts may also be posted for other classifications as deemed necessary.

Crime Alerts are posted through electronic mail and the posting of bulletins at various locations on campus when a crime has occurred and there is a possibility that an outstanding suspect could pose a danger to the campus community. In addition, Morrisville State College utilizes the SUNY NY-ALERT system, allowing SUNY campuses to warn students, employees, visitors, and parents of an impending emergency and provides timely information to protect lives and minimize campus disruption. Messages can be received via cell phone (text and/or voice), telephone, email, and fax. Participants need to sign up to receive notification alerts, and choose their preferred message format. For additional information, please visit the following site

<http://www.morrisville.edu/up/emergency>.

### **Campus Emergency Response & Immediate Warning**

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

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

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

### **Emergency Response and Evacuation Procedures**

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

### **Missing Student Policy and Procedure**

It is the policy of Morrisville State College to treat all reports of missing students as serious incidents and to investigate such reports completely. Morrisville State College University Police will thoroughly investigate all reports of missing students, treating every report as one where the person reported missing may be at risk, until significant information to the contrary is confirmed. The College encourages timely reporting of missing students to New York State University Police by all members of the Morrisville State College Community, to assist in locating students

who are reported missing, and to comply with federal law as stated in the Missing Person Procedures of the Higher Education Opportunity Act 488(3) HEA section 485U1.

### **Reporting Missing Students**

A student may be considered to be missing if the student's absence is contrary to his or her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but are not limited to: (1) absence from multiple classes; (2) indicators that a student may be a victim of foul play; (3) expressed suicidal thoughts; (4) indicators of drug dependency; (5) indicators that the student may be in a life threatening situation or has been with persons who may endanger his or her welfare. Morrisville State College University Police suggests to all members of the Morrisville State College community that if there is a possibility that a student is missing, consult University Police as soon as possible, by calling 315-684-6410.

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

### **Emergency Contact Information**

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

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

## **THE CLERY ACT**

### **Jeanne Clery Act Overview**

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998," commonly referred to as the "Clery Act," requires institutions of higher education

receiving federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community.

### **Annual Security Report Overview**

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

### **Background**

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

## **Clery Act: Substantive Requirements**

### **1. Compilation and Disclosure of Campus Crime Statistics**

The Act requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to a university campus and certain properties

associated with the campus. This statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime, which must be reported by category of prejudice. Campuses must also provide a geographic breakdown of the crime statistics reported according to the following defined geographic areas: "on campus" (including a further breakdown of the number of crimes that occurred in campus student residential facilities), "in or on a non-campus building or property," and "on public property."

## **2. Disclosure of Campus Safety Policies**

The Annual Security Report prepared by a campus must, in addition to providing required crime statistics, describe specified campus policies concerning reporting criminal activity or other emergencies occurring on campus; policies concerning the security of, maintenance of, and access to campus facilities; campus law enforcement policies regarding the authority of campus law enforcement units and the facilitation of crime reporting; a description of the type and frequency of campus programs to inform students and employees about campus security procedures, security precautions, and the prevention of crimes; policies concerning the monitoring and recording, through local police agencies, of off-campus criminal activity by students; statement of policies concerning the working relationship of campus security personnel with State and Local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding for the investigation of alleged offenses; statement of policies which encourage accurate and prompt reporting of all crime to the campus police and the appropriate law enforcement agencies, statement of alcohol and drug policies including education programs; statement of policy concerning campus programs to prevent sexual assaults and procedures to be followed when such an assault occurs; and a statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained.

## **3. Timely Warning Requirements**

The campus is required to report to the campus community those crimes considered to represent a threat to students and/or employees "in a manner that is timely and will aid in the prevention of similar crimes." Crime Alerts are usually posted for the following crimes: arson, aggravated assault, and criminal homicide, robbery, and sex offenses. Crime alerts may also be posted for other classifications as deemed necessary. Crime Alerts are posted through electronic mail and the posting of bulletins at various locations on campus when a crime has occurred and there is a possibility that an outstanding suspect could pose a danger to the campus community.

## **4. Disclosure of Crime Log Information**

The New York State University Police at Morrisville State College maintains a daily crime log that contains specified information about any and all reported crimes that occur within the patrol jurisdiction. The daily crime log can be viewed at the New York State University Police at Morrisville State College located in Brooks Hall. Certain information may be withheld from the crime log under specified circumstances, primarily information that would jeopardize the success of an investigation or the safety of a person involved in the investigation. The New York State University Police at Morrisville State College makes the crime log for the most recent 60-day period open to public inspection during normal business hours, while crime logs containing

material more than 60 days old are retained for seven years for public inspection upon two days' notice.

### **5. Annual Fire Safety Report**

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

1. **Fire Log:** Institutions must keep a fire log that states the nature of the fire, date, time and general location of each fire in on-campus student housing facilities. Morrisville State College complies with this rule by including all fire related incidents in the University Police Blotter. To view the most recent seven (7) days of information please contact University Police located in Brooks Hall at (315) 684-6410. The public can also view the most recent 60 days of fire related incidents by contacting the Office of Environmental Health and Safety located in the C. Stanley Johnson Building at (315) 684-6450.
2. **Annual Fire Safety Report:** Institutions with on-campus student housing must publish annually a fire safety report that provides information on campus fire safety practices and standards. Morrisville State College complies with this regulation by including all fire related incidents at on-campus student housing facilities as part of the *Annual Security & Fire Safety Report*. Information contained in this annual fire safety report includes: number and causes of fires at all on-campus student housing facilities, number of fire-related deaths; related injuries; value of fire related property damage; information on fire evacuation procedures; fire safety education and training programs; fire systems in each student housing facility; number of regular mandatory fire drills; and Fire Safety Policies for on-campus student housing facilities. The public can also view the annual fire safety report by contacting the Office of Environmental Health and Safety located in the C. Stanley Johnson building at (315) 684-6450.

### **6. Norwich Annual Security Report**

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

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

Under these requirements, the Norwich campus of Morrisville State College must publish their own Annual Security Report as a separate campus. If you wish to receive a hard copy of the Norwich Campus Annual Security Report, please stop by Morrisville State College Norwich Campus Administration Office, located on the second floor at Roger W. Follett Hall, 20 Conkey Avenue, Norwich, NY 13815. If you would like to request that a copy be mailed to you, please call (607) 334-5144. You may review the statistics contained in the Annual Security Report by accessing the U.S. Department of Education's statistics at <http://ope.ed.gov/security>.

## 2014 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses								Arrests and Referrals						
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	1	0	0	0	0	0	5	0	0	13	33	4	88	2	1
On Campus – Non-Residence Hall	0	0	0	2	0	0	0	1	2	0	0	14	10	3	18	0	1
Total On Campus	0	0	1	2	0	0	0	1	7	0	0	27	43	7	106	2	2
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	1	0	0	0	0	14	1	1	1	0	0
Total	0	0	1	2	0	0	1	1	7	0	0	41	44	8	107	2	2

Please note: 1 public property robbery arrest, 4 drug arrests, and 1 alcohol arrest were reported by local police in a reportable area of the Educational Opportunity Center in Syracuse, a branch campus.

There were no Unfounded Crimes for 2014.

## 2014 CLERY Statistics Continued

Part III - Hate Crimes															Part IV			
	Criminal Homicide		Sex Offenses												Criminal Incidents			
<u>Hate Crime Category Legend:</u> R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	1R	0	1	5	6
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	1R, 2NO	0	1	3	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	2	8	6
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	2	8	6

There were no Unfounded Crimes for 2014.

## 2013 CLERY Statistics

**Hate Crime Category Legend:** R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability, LT=Larceny/Theft, SA=Simple Assault, I=Intimidation, DDV=Destruction/Damage/Vandalism of Property

Location: Morrisville	Homicide: Murder	Homicide: Non-Negligent Manslaughter	Homicide: Negligent Manslaughter	Sexual Assault	Dating Violence	Domestic Violence	Stalking	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Hate Crimes	Total	Drug Arrests	Drug: Referrals	Liquor: Arrests	Liquor: Referrals	Weapons: Arrests	Weapons: Referrals
On Campus Non-residence	0	0	0	1	4	0	2	2	2	1	0	0	0	12	25	26	14	21	3	0
On Campus Residence	0	0	0	3	10	0	1	0	0	9	0	0	0	22	31	37	13	129	0	0
On Campus SUBTOTAL	0	0	0	4	14	0	3	2	2	10	0	0	0	34	56	63	27	150	3	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	1	1	0	0	0	2	8	0	2	0	0	0
Total	0	0	0	4	14	0	3	2	3	11	0	0	0	36	65	63	29	150	3	0

Non-campus drug arrest occurred in a reportable area of the Educational Opportunity Center in Syracuse, a branch campus.

## 2012 CLERY Statistics

**Hate Crime Category Legend:** R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability, LT=Larceny/Theft, SA=Simple Assault, I=Intimidation, DDV=Destruction/Damage/Vandalism of Property

<u>Location:</u> Morrisville	Homicide: Murder	Homicide: Non-Negligent Manslaughter	Homicide: Negligent Manslaughter	Sex Offenses: Forcible	Sex Offenses: Non-forcible	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Hate Crimes	Total	Drug: Arrests	Drug: Referrals	Liquor: Arrests	Liquor: Referrals	Weapons: Arrests	Weapons: Referrals
On Campus Non-residence	0	0	0	0	0	0	1	2	0	0	1 DDV-REL	4	26	13	15	18	3	0
On Campus Residence	0	0	0	1	0	0	1	5	0	0	1 I-R	8	23	41	25	146	1	1
On Campus SUBTOTAL	0	0	0	1	0	0	2	7	0	0	2	12	49	54	40	164	4	1
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	1	0	0	0	1	1	0	0	3	4	0	1	0	0	0
<b>Total</b>	0	0	0	2	0	0	2	8	1	0	2	15	53	54	41	164	4	1

\*After consulting with SUNY legal counsel and the conclusion of an internal review, the above chart has been updated to be more accurate.

### **Preparation of Annual Disclosure of Crime Statistics**

The Morrisville State College Dean of Students Office, with input and information provided from other University Departments, prepares the text for the policies and practices section. The Morrisville State College Dean of Students Office also collects and formats the statistical information contained in reports provided by the campus security authorities and local municipal police departments (listed below). This information is integrated into a single document, posted on the Morrisville State College website accessible by multiple links, and provided in a hard copy document by request.

### **Local Reporting Municipal Police Departments**

New York State Police	Oneida County Sheriff's Department
Norwich Police Department	Madison County Sheriff's Department
Chenango County Sheriff's Department	Syracuse Police Department

### **Campus Security Authorities – Those Who are Responsible for Reporting Criminal Activity**

New York State University Police at Morrisville State College  
Dean of Students Office  
Student Activities Office & Advisors of Clubs/Organizations  
Director of Residence Life, Resident Hall Directors, & Resident Assistants  
Director of Athletics & Coaches  
Dean of the Morrisville State College- Norwich Campus

### **Disclosure of Campus Safety Policies**

Campus safety policies are contained in the Morrisville State College Student Handbook, which is available on the Morrisville State College website at [www.morrisville.edu/studenthandbook](http://www.morrisville.edu/studenthandbook).

### **Reporting Criminal Actions and Emergencies**

All police/fire/medical emergencies should be reported immediately to the New York State University Police at Morrisville State College at (315) 684-6410.

### **Non-Emergency/Routine Business**

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

### **Emergency Call Phones**

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

### **Confidential Reporting of Crimes**

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report by mailing a written statement to the New York State University Police at Morrisville State College, Brooks Hall, Morrisville, New York 13408, or by calling the New York State University Police at Morrisville State College at (315) 684-6410. The College encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the report by mailing a written statement to the New York State University Police at Morrisville State College, Brooks Hall, Morrisville, NY 13408, or by calling the New York State University Police at Morrisville State College at (315) 684-6410.

### **Security of and Access to Campus Facilities**

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

Morrisville State College Policies Applying to Campus Activities, Organizations, and Students and the use of facilities are listed in the Student Handbook available on the Morrisville State College website at [www.morrisville.edu/studenthandbook](http://www.morrisville.edu/studenthandbook). Registered campus organizations, student government, and College departments may use College property for non-academic College-related programs, activities and functions, subject to the availability of space. Each request is reviewed on an individual basis to assure appropriate usage.

Morrisville State College Policies Applying to Campus Activities, Organizations, and Students and special events are listed in the Student Handbook available on the Morrisville State College website at [www.morrisville.edu/studenthandbook](http://www.morrisville.edu/studenthandbook). The following conditions apply to any non-academic special event involving off-campus performers (including speakers, bands, cultural performances, etc.) using any indoor or outdoor campus facilities (IcePlex, Recreation Center, Theater, classrooms, outdoor space, etc.) when more than 100 people are expected to attend or when any payment for services is rendered (regardless of payment source): Academic events are those which are a class activity or seminar sponsored by an academic department.

### **Standard of Conduct**

Morrisville State College has listed the Student Code of Conduct policies within the student handbook that is available on the Morrisville State College website at [www.morrisville.edu/studenthandbook](http://www.morrisville.edu/studenthandbook). Also contained in the handbook is a list of policy violations with definitions and a list of the possible sanctions that may be imposed when violations occur. The College enforces the policies in the Student Code of Conduct whereas violations of state and local laws are addressed through the criminal and civil judicial systems.

### **Alcoholic Beverages**

Morrisville State College, in compliance with the 1989 Drug-Free Schools and Community Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the

academic success and maintains the health of all students. The sale, purchase, distribution, possession and/or use of illicit drugs or alcohol is a violation of College regulations as well as State and Federal laws.

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

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

### **Illegal Drugs**

Morrisville State College, in compliance with the 1989 Drug-Free Schools and Community Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the academic success and the health of all students. The possession, sale and/or use of illicit substances or alcohol is a violation of campus regulations as well as state and federal laws.

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

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

### **Drug or Alcohol Abuse Programs**

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

#### College:

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

Residence Life Office: (315) 684-6043

#### Beyond College:

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

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

### **Prompt Reporting of Crimes**

Campus policy encourages every member of the campus community to report a crime promptly to UPD if the victim wants to or is unable to report.

### **Institutional Response to Reports of Violence against Women Act (VAWA) Crimes**

Morrisville State College has programs to prevent domestic violence, dating violence, sexual assault, and stalking. When an incident of domestic violence, dating violence, sexual assault, or stalking is reported, the College will provide victims with written notice of available options, remedies, and services. If the accused individual is a student, the standard of evidence used in an institutional disciplinary hearing will be preponderance of the evidence.

### **Education Programs regarding VAWA Crimes**

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

### **Sanctions for VAWA Crimes**

Following a final determination of an institutional disciplinary procedure for cases of rape, acquaintance rape, dating violence, domestic violence, sexual assault, or stalking, the following sanctions or protective measures may be imposed: [college expulsion, college suspension, no contact orders, college probation]

### **Procedures for survivors of domestic violence, dating violence, sexual assault, or stalking**

Survivors/victims of VAWA crimes will be provided written information about evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the victim chooses, as well as the option to decline to notify authorities. Victims will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options.

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

Reporting: Victims can report to New York State University Police at Morrisville State College, Brooks Hall, Morrisville, NY 13408, or by calling the New York State University Police at Morrisville State College at (315) 684-6410.

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

### **Procedures for institutional disciplinary procedures in cases of domestic violence, dating violence, sexual assault, and stalking**

The institutional disciplinary procedures will provide a fair, prompt, and impartial process from investigation to final result. The investigation and any hearing will be conducted by those who receive annual training on issues related to VAWA crimes, how to conduct an investigation, and a hearing process that protects victim safety and promotes accountability.

Parties are entitled to the same opportunities to have an advisor of their choice present at any hearing and related meetings. There is no limit to the choice of an advisor; however, the parties are responsible for presenting evidence on their own behalf. Advisors may speak privately with their advisee during the proceeding, but cannot actively participate in the proceeding. Parties will be informed simultaneously in writing of the outcome of the process, the availability of any appeal procedures, and when the results become final after any appeals.

The disciplinary processes available for victims of domestic violence, dating violence, sexual assault, and stalking are the same for any other violation of the Student Code of Conduct and are outlined below:

### **College Judicial Affairs Policies**

#### **Charges and Hearings**

1. Any member of the College community may file charges against a student for misconduct.
2. Charges shall be prepared in writing and directed to the Dean of Students or designee, who is in turn responsible for administering the student judicial program.
3. The Dean of Students or designee conducts investigations and contacts students who were apparently involved in order to investigate an incident, to determine if witnesses or statements are available, to determine if charges have merit, and to select the staff member or hearing body to hear a case.
4. In cases where an accused student is not likely to be suspended or expelled from the College if found responsible for a violation, one of the following staff members may hear the case administratively at the discretion of the Dean of Students. The following staff members may hear the case: Dean of Students, Executive Director of the Norwich, Director of Residence Life or a Residence Hall Director.
5. In cases where an accused student may be suspended or expelled from the College if found responsible for a violation, they are entitled to a College Judicial Board Hearing, where both finding and sanction decisions are made. The Dean of Students or designee determines when an administrative hearing or judicial board hearing will be conducted to adjudicate a case. A Summary Action Agreement may be used to establish mutual consent of the parties involved to hold a hearing sooner or later than the minimum 10-day time limit.
6. Upon request, any time before or at a hearing, a student charged shall be furnished a redacted (Personally identifiable information removed) copy of statements to be used in the hearing

for review in the Dean of Students Office or hearing room. Names of witnesses who will be produced at a hearing in support of the charges will be provided, but shall not preclude the testimony of witnesses who were unknown at the time names are provided.

7. Hearings shall be conducted by a judicial body according to the following guidelines:
  - a) Hearings shall be closed to the public.
  - b) Admission of any person to the hearing shall be at the discretion of the judicial body.
  - c) In hearings involving more than one accused student, the judicial officer, at her/his discretion may permit the hearings concerning each student to be conducted separately.
  - d) All parties have the right to be assisted by one advisor of their choice, at their own expense. (Ex: advisors may be a parent, attorney, etc.) Faculty/staff advisors are available as schedules permit to assist a student and guide them through the College judicial process. The complainant and/or the accused student are responsible for presenting her/his own case. A student can quietly confer with their advisor during the hearing provided it does not interfere with the process. A student may request one 10 minute recess to speak with their advisor in private. Advisors may not actively participate in the hearing or interfere with the process. Should an advisor interfere after being warned, the board chair will direct the advisor to immediately leave the hearing room.
  - e) Conduct meetings below the judicial board level may be conducted without an advisor.
  - f) The complainant, the accused student, and the judicial body shall have the privilege of requesting witness participation and all are subject to questioning by the judicial body.
  - g) Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by a judicial body at the discretion of the judicial body.
  - h) All procedural questions are subject to the final decision of the judicial body.
  - i) After a hearing, the judicial body shall determine by majority vote, whether the student has violated the Student Code of Conduct as charged.
  - j) The judicial body shall deliberate and reach its finding in closed executive session. The judicial body's determination shall be made on the basis of whether or not there is a preponderance of evidence which supports the finding of a violation, indicating that it is more likely than not that the accused student violated the Student Code of Conduct.
  - k) At the Judicial Board and Appellate Board level, there shall be a single, verbatim record of a hearing, such as a recording. Only college judicial affairs staff may record judicial meetings or proceedings. No other recordings are permitted. Such recordings often contain personally identifiable and sensitive information about participants. Deliberations are not recorded. Judicial recordings shall be the exclusive property of the College. The Dean of Students Office shall establish a policy for an accused student to have access to the recording for filing an appeal. If any party disrupts a hearing (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing, etc.), the presiding hearing officer has the right to remove the disruptive individual from the hearing after he or she fails to heed a warning. The hearing may continue in the absence of any removed party, or it may need to be rescheduled at the discretion of the Dean of Students.
  - l) If a student accused of violating College Policy fails to attend a scheduled hearing, the hearing may be held in the student's absence, and the student will be assumed to have entered a claim of Not Responsible to each charge, but forfeited her/his ability to present information or otherwise participate on her/his behalf. Findings and sanctions, if applicable, will be based on the evidence and not upon the accused student's failure to

appear. If the judicial officer learns that the student's failure to appear is for good cause, the judicial officer may grant a new hearing. Otherwise, the decision of the hearing shall stand.

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

### **Confidentiality**

The institution will maintain as confidential any accommodations or protective measures provided to the victims so long as it does not impair the ability to provide such measures. Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics.

### **Written Notifications to Students, Employees, and Victims of VAWA Crimes**

For Students and Employees:

The College will provide written notification and information to students and employees about the available counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available in the community and on campus should they be victims of dating violence, domestic violence, sexual assault, and stalking.

For Survivors/Victims:

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

**Sexual Assault Policy**

Morrisville State College is committed to providing a safe and secure environment in which all members are treated with dignity and respect, and a campus free from all discrimination on the basis of sex. To that end, the college takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, intimidation or exploitation of others for sexual purposes. The college is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

Should a sexual assault be reported, the college will investigate allegations and take appropriate actions, to the fullest possible extent. The college supports the victim's right to privacy. In the event that a victim wishes to remain anonymous, the college will respect that request while evaluating the obligation to protect the safety and well-being of the broader community. For example, in the event that the assault/crime must be reported, the request for anonymity would be weighed against other factors, such as whether the accused individual is the subject of other complaints. In such instances, every safeguard will be taken in order to ensure the victims' anonymity. It is imperative that victims be fully supported in their efforts to heal and respond as they determine what is in their own best interests. To this end the college will provide information about campus and community medical and counseling resources and support the rights to make choices about these resources and options.

**Sexual Assault Response Policy**

The State University of New York and Morrisville State College are committed to providing options, support and assistance to victims/survivors of these crime and violations regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, or criminal convictions, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad. We are committed to providing a safe and secure environment in which all members are treated with dignity and respect. To that end, the college takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, intimidation or exploitation of others for sexual purposes. The college is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

**Sex Offenses, Lack of Consent:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim. Definitions relating to this policy are below:

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

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

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

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

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

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

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

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

**Sexual harassment** - unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive to effectively alter or deny the individual reasonable access to University resources or that such conduct creates an intimidating, hostile or sexually offensive environment for learning, working or living on campus.

### **Students' Bill of Rights**

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

#### **All students have the right to:**

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

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

#### **I: Reporting:**

- Resident Assistants and Resident Hall Directors.
- New York State University Police, Morrisville State College at: (315) 684-6410.
- Sarah Steele, Director of Human Resources and Affirmative Action/Title IX Coordinator, Whipple Administration Building, 1st floor, Morrisville State College, Morrisville, NY 13408, (315) 684-6829, email: steelesg@morrisville.edu.

- Geoffrey Isabelle, Dean of Students, Whipple Administration Building, 3rd floor, Morrisville State College, Morrisville, NY 13408, (315) 684-6070, email: isabelgs@morrisville.edu.
- New York State Police Troop D-Morrisville at (315) 684-9550.
- Madison County Sheriff's at (315) 366-2311.

## **II- Resources:**

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

## **III- Protection and Accommodations:**

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

## **Assistance for Survivors of Sexual Assault, Dating Violence, Domestic Violence, Rape, and Stalking**

You have control of the choices you can make. You don't have to report the assault to anyone if you don't want to. You can report it to a select group of confidential resources like counselors, rape crisis centers, or clergy. If you report it to another college employee, they have an obligation to contact University Police to officially record that a report was received. The matter

will be investigated sufficiently to develop a thumbnail sketch of the reported situation to determine if there could be serious risk of further harm to you or members of the community.

The following are recommendations to assist you:

- Do not blame yourself. Sexual assault is *never* the survivor’s fault.
- Go to a safe location.
- If you are injured, seek medical attention immediately.
- Do *not* shower, bathe, or douche. The only way medical evidence can be collected is if it is left intact.
- Contact one or more of the resources listed in the community resources table that follows.

If a friend has been assaulted or raped:

- Listen and be supportive.
- Let your friend make her or his own choices.
- Encourage your friend to immediately contact one of the sexual assault resources listed below.
- Stay with your friend during interviews and examinations if she or he wants you to do so.
- Take care of yourself. You may need to talk with someone about how this has affected you.

Resources listed in this section are available for you. This is not an exhaustive list:

<b>COMMUNITY RESOURCES</b>	
<b>Morrisville State College and Town of Morrisville</b>	
Fire/Ambulance	911
New York State University Police at Morrisville.	315-684-6410
Mathias Student Health & Counseling Service Center	315-684-6078
Community Memorial Hospital [Hamilton] Emergency Room	315-824-1956 315-824-1100
Title IX/Affirmative Action Officer	315-684-6038
<b>Madison County</b>	
Madison County Sheriff	315 366-2311
New York State Police: Troop D-Morrisville	315-684-9550
Domestic Violence Hotline	1-800-942-6906
Liberty Resources: Victims of Violence/Sexual Assault 24-hr hotline (collect calls accepted)	315-366-5000

### **College Judicial Proceedings will be Prompt, Fair, and Impartial**

All proceedings must be prompt, fair, and impartial from initial investigation to final result. A proceeding is defined as “all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings or hearings.” The college will conduct a timely review of all complaints of domestic violence, dating violence, sexual assault, and stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. Extension of all deadlines and time requirements may be extended for good cause as determined by the Dean of Students. Both the respondent and the complainant will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event. An appeal of the results must be submitted within 5 days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued with 48 hours of the appeal proceeding. Burden of proof in all cases is “the preponderance of the evidence.” Another way, “whether it is more likely than not” that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

### **Meeting/Hearing parties rights to advisors**

During disciplinary hearings and related meetings, parties have the right to have an advisor of their choice present. Advisors may not actively participate in the hearing or they may be asked to leave. A pamphlet to acquaint advisors with their role is available in the Dean of Students Office.

### **Notification**

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

### **Protective Measures/Sanctions and Retaliation**

Morrisville State College has programs in place to protect all members of the College community from sexual assault, including programs for prevention and prosecution of these

crimes that occur within the jurisdiction of Morrisville State College. The College considers dating violence, domestic violence, sexual assault, rape, and stalking as extremely serious violations and those found responsible are subject to SUSPENSION or EXPULSION from the college. No member of the college community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint, serves as a witness, or assists or participate in a proceeding in any manner. Participants who experience retaliation should report the incident promptly.

### **Sexual Misconduct Education and Prevention Programs**

Morrisville State College offers educational programs and a variety of resources to promote awareness of sexual assault, dating violence, domestic violence, rape, and stalking offenses. Beginning with Summer Orientation, the College presents programs including one where college age actors cover these topics in a dramatic theater presentation. That program is followed by a dialogue on these topics between students and staff from Residence Life. Thereafter, University Police, Residence Life, and others offer personal safety programs.

### **Location of Registered Sex Offender Information**

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

### **Crime Logs**

The New York State University Police at Morrisville State College maintains a daily crime log that contains specified information about any and all crimes that occur within the patrol jurisdiction. The daily crime log can be viewed at the New York State University Police at Morrisville State College located in Brooks Hall. Certain information may be withheld from the crime log under specified circumstances, primarily involving information that would jeopardize the success of an investigation or the safety of a person involved in the investigation. The New York State University Police at Morrisville State College makes the crime log for the most recent 60-day period open to public inspection during normal business hours, while crime logs containing material more than 60 days old are retained for seven years for public inspection upon two days' notice.

## **APPENDIX A-Definitions**

### **AGGRAVATED ASSAULT**

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

### **ARSON**

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

### **BURGLARY**

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

### **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.”

### **CRIME**

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

### **CRIMINAL OFFENSE**

An infraction of law.

### **DATING VIOLENCE**

This occurs when a person who is or has been in a social relationship of a romantic or intimate nature with the victim **AND** where the existence of such a relationship shall be determined based on a consideration of the following factors:

- A. The length of the relationship
- B. The type of relationship
- C. The frequency of interaction between the persons involved in the relationship

### **DOMESTIC VIOLENCE**

Includes felony or misdemeanor crimes of violence committed by a person who is:

- A. A current or former spouse of the victim
- B. A person with whom the victim shares a child in common with

- C. Cohabiting with or has cohabited with the victim as a spouse, or person similarly situated as the spouse under the domestic or family violence laws of the jurisdiction in which it occurs
- D. By law, prohibited from the victim under the domestic or family violence laws of the jurisdiction in which it occurs

### **DRUG ABUSE VIOLATIONS**

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

### **SEX OFFENSES**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

**Incest** - Nonforcible 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. (Note: In New York State, the age of consent is seventeen.)

### **HATE CRIMES**

A hate crime, also known as a bias crime, is a criminal offense committed against a person, property or society that is motivated, in whole or in part, by the offender's bias against a race, gender, religion, ethnicity, national origin, gender identity or disability.

### **LIQUOR LAW VIOLATIONS**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### **MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the

surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**MURDER AND NON NEGLIGENT MANSLAUGHTER**

The willful (non-negligent) killing of one human being by another.

**NEGLIGENT MANSLAUGHTER**

The killing of another person through gross negligence.

**NON-CAMPUS**

Includes any building (or property) owned or controlled by student organizations recognized by the school; and any building or property owned or controlled by the school, that is not within the same reasonable contiguous area.

**ON-CAMPUS**

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

**PUBLIC PROPERTY**

Public property is defined as the area that is within the same reasonably contiguous geographic area of the school; or is adjacent to a facility owned or controlled by the school, and the facility is used by the school in a manner related to the institution's educational purpose.

**ROBBERY**

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

**SIMPLE ASSAULT**

Assaults and attempted assaults where no weapon is used and which do not result in serious or aggravated injury to the victim.

**STALKING**

No person shall engage in any course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or that would make a reasonable person suffer substantial emotional distress.

**WEAPONS POSSESSION**

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