

2017

Herkimer County Community College Annual Security and Fire Safety Report



Herkimer
THE STATE UNIVERSITY OF NEW YORK

Department of Campus Safety

Herkimer County Community College

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Annual Security and Fire Safety Report 2017

Published in compliance with the United States Code Section 1092 (f) the Jeanne Clery Disclosure of Campus Security Policy Campus Statistics Act (hereinafter referred to as the Campus Security Act) and the Code of Federal Regulations (CFR).

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General Information

Herkimer County Community College enrolls a student population of about 3000 full and part time students. The campus has Approximately 184 full time employees, 60 full time faculty, 85 adjuncts and

approximately 46 part time personnel. Approximately 640 students live on campus in three different housing complexes.

Crime Prevention/Campus Safety Procedures

To help prevent crimes, it is always important to secure valuable belongings and be aware of one's surroundings. To emphasize crime prevention awareness, campus educational programs, seminars, videos, posters, brochures and messages from administration, address personal safety including rape/sexual assault, substance use / abuse, importance of locking doors and windows, "buddy" system, and fire and property safety such as operation ID, and taking personal property home during breaks. This information also includes safety services such as the late night shuttle bus, counseling, mental health services, medical resources and emergency services. Students are also advised to look into renters insurance if needed to cover personal property.

All employee's and students should make themselves familiar with emergency evacuation procedures posted in their buildings. Note, special attention should be given to assist those that may have a disability.

During orientation in August, students are informed of services offered by the Herkimer College Campus Safety Department. Students are told about crime on-campus and in surrounding neighborhoods as well as how to access the Annual Security Report. Similar information is presented to new employees. Crime Prevention Programs and Sexual Assault Prevention Programs are scheduled throughout the Academic year. Some programs are scheduled by the Counseling Center. 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.

In addition Campus Safety pushes into every First Year Seminar class in both the fall and spring semesters to discuss college code of conduct, regulations, state and local laws as well as Campus Safety Authority. Information is also listed in the Survival 101 guide for freshman. When time is of the essence, information is released to the campus community through security alerts posted by any of the following college Website, email, electronic bulletin boards, social media and NYALERTas needed.

Related Web Sites

www.herkimer.edu

<http://ope.ed.gov/security/>

<http://my.herkimer.edu>

The Student Right-To-Know and Campus Security Act

The Student Right to Know and Campus Security Act was signed into law in November of 1990. Title II of this act was known as the Crime Awareness and Campus Security Act which was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act.

This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the current and previous two calendar years. The purpose of this report is to provide our current and prospective faculty, staff and students with campus safety information including crime statistics and procedures to follow to report a crime. The Director of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our college web site homepage at www.herkimer.edu under the link **Annual Safety Report**. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus, HCCC Housing Office, the Dean of Students/Judicial Affairs, the Athletic Department and the Counseling Center. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Campus Safety Department, campus officials (including but not limited to directors, Deans, department heads, designated judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. The Herkimer Police Department does provide arrest and disturbance information that can be used for judicial matters with our student code of conduct for off campus incidents. The Herkimer Police Department also provides its annual Uniform Crime Reports (UCR) that are listed in the College Annual Security report, but not broken down by location.

A procedure is in place to anonymously capture crime statistics disclosed confidentially during each year through the Counseling Center.

Each year, an e-mail notification is made to all enrolled students that provides the link to access this report. This same email also has the actual report attached for their use. Faculty and staff receive similar notification through a separate email. Copies of the report may also be obtained at the Director of Campus Safety Office CA263 upon request during normal business hours or by calling (315) 866-0300 ext. 8336. All prospective employees may obtain a copy from Human Resources in the College Center Room 239.

This College will not retaliate against those who may report alleged violations of this act.

Copies of the Annual Security and Fire report are available at

<http://WWW.herkimer.edu/experience/campus-safety/security-and-fire-safety-report/> .

Missing Students

Students are encouraged to identify a person who College personnel should contact in the event they are determined to be “missing.” Students can identify this person by entering the information into the Banner account through a “forced survey” at sign in. Students can also update this information at any time by signing into their Banner student account. Missing persons should be reported directly to the Campus Safety Department. **Do not wait** if you believe a student is missing. Federal law states that the campus is required to provide missing person notification to: 1) all local police agencies pursuant to the Memorandums of Understandings; 2) the student’s designated contact person if provided; 3) parents of students under 18 years of age. Campus Safety immediately conducts an initial investigation, and if after a reasonable period of time (not more than 24 hours) the student has not been located, Campus Safety will proceed with required notifications. The sooner the investigation begins the better chance of locating the missing person. Contact information used for this purpose is held confidentially and will only be shared or made accessible to authorized campus officials and not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

Emergency Response

The Campus Safety office will be responsible for the initial response to all crises/emergencies and will take necessary action to utilize the NY Alert system, notify outside emergency response agencies, (i.e., fire department, ambulances, police, State Police, etc.) and appropriate campus offices and/or officials. Crisis and emergency situations on campus would include fires, personal and/or vehicle accidents, medical emergencies, criminal activities and civil disorder.

If an incident occurs that may affect the safety and well-being of the members of our college community, information will be distributed by one or more of the following methods: paper flyer, on-campus electronic bulletin, student/faculty/staff e-mail and the college's Intranet for "timely warnings." In the event of a confirmed significant emergency or dangerous situation, the college community will be advised by one or more of the following methods: NY-Alert (email, phone call, fax, text message), campus-wide siren/public address system and www.herkimer.edu. Students, faculty and staff are encouraged to sign up for NY-Alert. To sign up see <http://www.herkimer.edu/experience/campus-safety/ny-alert-system/>.

Standard notification procedures may be altered if, during the emergency response authorities determine it would compromise efforts to assist victims, or compromise efforts to contain and apprehend any suspects otherwise mitigating the emergency.

Should the campus-wide siren sound, all employees, students and visitors should immediately "shelter in place" as stated on the Emergency Siren/Public Address document included in this report. To "shelter in place," secure yourself in a room by locking the door, closing all windows and blinds, putting cell phones to silent and staying quiet. Everyone is to remain "sheltered in place" until told to move by the NY-Alert System or by an officer entering the area. Should a police officer or campus safety officer enter the area you are sheltered in, make sure he/she knows you are there. Do not make any sudden movements and keep your hands in plain view so the officer does not perceive you as a threat. Listen to the officer and do exactly what they tell you to do. In many cases, the officer will move on and tell you to stay in place as they search the building for a possible threat.

Herkimer County Community College tests all emergency notification equipment as follows:

- Fire alarms in housing 2 times per semester & campus – 1 time per semester
- Campus wide Siren/PA system- once per semester
- NY-Alert – monthly group test and yearly campus- wide "all test"
- Fire alarm drills are not normally announced ahead of time for campus or housing and are documented as part of the OFPC procedures.
- Testing of the Siren/PA is announced to the campus and local community prior to testing and the test is documented to show any problems associated with the test and what sounds used.

All Members of the campus community are advised to sign up for NY-ALERT to receive emergency notifications. Go to

<http://www.herkimer.edu/experience/campus-safety/ny-alert-system/>.

to sign up.

Reporting Crime

All members of the campus community are urged to report criminal incidents, emergencies, and suspicious activity. The on and off campus emergency phone number is **911**. This number should be used for all Police, Fire and Medical Emergencies. All reports are classified, logged and responded to appropriately. Crimes in progress and / or any other emergencies on campus can also be reported by using the **Emergency Blue Light Phones**. There are 22 Emergency Blue Light Phones located on campus and in housing. All Blue Light Phones dial directly to the 911 Center. Campus Safety Officers will be dispatched by the 911 Center to the location of the complaint. An incident report will be prepared and filed accordingly. For reporting non-emergency situations or for calls of service such as car lockouts and jump starts call Campus Safety at (315)866-0300 ext. 8616

Safety and Security / Access Responsibility

The safety of Herkimer County Community College's students, faculty, staff and visitors is a high priority at the College. Preserving the safety and well-being of each member of the Herkimer College community is the professional responsibility of the Department of Campus Safety and of other administrative departments. It is also a matter of mutual support, caring and caution by all members of the campus community. Students, faculty, staff and visitors can do much to aid the work of Campus Safety and to protect themselves and their property. We all share in the responsibility of making the learning and working environment at Herkimer safe and enjoyable for everyone.

Campus Safety Department

The goals of Campus Safety are to provide protection for all students, faculty, staff and visitors to Herkimer College, to safeguard all real and personal property, and to enforce College policies and regulations, and the laws of the State of New York. The Campus Safety Department includes a Director, Assistant Director, 9 full-time and five part-time Safety Officers. Campus Safety provides continuous patrols of the campus and Campus Meadows/College Hill/Reservoir Run housing complexes by uniformed Safety Officers 24 hours a day, seven days a week, 365 days a year. Campus Safety Officers are trained in specific areas that concern the College environment. CPR, first aid, emergency response procedures, cultural diversity and sexual assault response are some of the topics included in training. Members of Campus Safety have Peace Officer status, as defined in the New York State Criminal Procedure Law, and; therefore, have the power to make arrests on campus, and all Security Officers comply with the licensing, registration and training requirements of the New York State Security Guard Act.

Campus Safety has a cooperative working relationship with the Herkimer Police Department, and other area law enforcement agencies to help maintain a safe campus atmosphere. Herkimer County Community College Campus Safety has a Mutual Order of Understanding (MOU) with the Village of Herkimer Police Department. In the event of a violent felony or a missing student is reported to campus authorities, the Herkimer Police can be asked to assist Campus Safety with the investigation. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at local criminal courts or the Herkimer County Court. Campus Safety works closely with the Local village, County and State agencies and has the ability to communicate by radio with those organizations if needed. The Campus Safety Department is also dispatched by the County 911 Center and part of the Emergency System.

If an incident occurs that we believe may have an effect on the safety and wellbeing of the members of our college community, information concerning this matter will be distributed by one or more of the following: paper flyer, on-campus electronic bulletin, student/faculty/staff e-mail accounts and College Intranet Site. In the event of a confirmed significant emergency or dangerous situation, the College community will be advised in a timely manner by NY-Alert and/or through the use of the campus wide siren/public address system. Students, faculty and staff are encouraged to sign up for NY-Alert, see <http://www.herkimer.edu/experience/campus-safety/ny-alert-system/> for NY-Alert sign up directions.

Campus Safety keeps a daily log of incidents that occur on campus. This log is available to view upon request Monday through Friday 8:00 A.M. to 4:00 P.M... The log includes date, time, general location, and disposition of the incident. If an entry is determined to be confidential by the Director or Assistant Director it will not be made available.



Student Responsibility and Safety Tips

We want you to enjoy your college experience but please BE CAREFUL! Use common sense. You may encounter situations that are unfamiliar to you; remember to take sensible precautions. IT IS YOUR RESPONSIBILITY TO TAKE CHARGE OF YOUR PERSONAL SAFETY.

There are many methods you can use to protect yourself in most situations:

On Campus

- ✓ Avoid walking alone at night, stay in lit areas
- ✓ Park your car in designated areas, lock the doors and keep valuables out of sight or stored in the trunk
- ✓ Report any suspicious individuals or incidents to Campus Safety

In Your Apartment or Home

- ✓ Lock all doors and windows
- ✓ Keep only small amounts of cash on your person or in your room
- ✓ Never leave valuables unattended
- ✓ Avoid traveling alone when it is dark
- ✓ Keep track of your keys
- ✓ Protect your PIN number and your credit cards
- ✓ Make use of the College's Operation ID Program

ACCESS

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued or by admittance via the Campus Safety Department or Residence Life Staff for housing. Some buildings such as the Library and Physical Education buildings may have individual hours that may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for that particular facility. Residence halls are secured 24 hours a day. The College Hill and Reservoir Run apartment complexes have security alarms that will sound should an exterior/entrance door be left open longer than one minute. These alarms are on the common area doors only not individual apartments. Campus Meadows housing exterior door is controlled by key locks only. Emergency situations may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators for those areas will then review the survey results and make corrective action plan if needed. The Campus Safety Committee meets monthly during the academic year and discusses such issues and makes recommendations to the President of the College or the appropriate administrator.

Campus Reporting Agents

These offices allow victims and witnesses to report crime on a voluntary, confidential basis and there is no formal investigation of an incident unless the victim so chooses.

- Campus Safety Emergency 911
- Campus Safety (non-emergency) 315-866-0300 ext. 8616
- Dean of Students Office CA222 or ext. 8276
- Counseling Center RMCC 261 ext. 8284
- Residence Life & Housing Office ext. 2223
- Director of Athletics and all coaches
- Any Club Advisor

Counselors and Confidential Crime Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Campus Safety Committee

The Herkimer County Community College Campus Safety Committee mission is to identify campus safety concerns and provide a forum for faculty, staff and students to make recommendations for eliminating existing and potential safety problems. The committee also serves as an appeal board for all campus parking violations.

The committee is charged as follows:

- Review any and all safety concerns that have been brought to the attention of the committee. Issues can be anything from student behavior to ideas to make the campus a safer place for everybody.
- Monthly review of the Sexual Assault Prevention Committee plans for educating our campus population. Help with sponsoring educational programs through the sexual prevention committee.
- Review all accidents that take place on campus and review ways to improve safety related to these injuries.

Student Services Behavioral Assessment Team

The B.A.T. Team is chaired by the Dean of Students with participation from the Counseling Center, Director of Campus Safety, Director of Residence Life, and the Director of Athletics. Additional areas may be requested to attend meetings as needed. The Team has regular weekly meetings, but may change meeting frequency as needed. The team's intent is to formalize a process for reporting and addressing specific alarming behaviors that do not fall within the existing reporting procedures, such as through the Counseling Center, Campus Safety, Residence Life or Judicial Affairs. The team will meet and discuss a plan for intervention of at-risk students.

The team uses information from Faculty/Staff and Students about the behavior that may be threatening, staying attuned to escalating behavior or potential physical violence to develop a plan to deal with the student. The actual plan can be anything from parent contact, disciplinary action or referrals to on-campus and off-campus services.

Reporting Locations

Federal law requires that campuses report specific criminal activities that occur on campus property and specific areas around those properties. Crimes occur in the community beyond what is required to be reported in this document.

On Campus – Includes offenses reported on the main campus property and buildings to include College Hill, Campus Meadows and Reservoir Run housing complexes.

Non-Campus – Currently HCCC does not utilize any non-campus property.

Public Property – Includes thoroughfares, streets, sidewalks, parking facilities, and Public Park or park like settings immediately adjacent to and accessible from campus. (Ref.map last page of this document).

Off Campus Organizations – Currently Herkimer does not have any recognized off-campus student organizations or off campus housing.

Alcohol and Other Drugs

Alcohol Policy

No person shall possess, sell or give away alcoholic beverages in any building or on any property owned or controlled by Herkimer College. Any exception needs the prior approval of the College President. Open containers of alcoholic beverages may not be possessed on campus.

Herkimer holds person(s) responsible for their conduct at all times, including behaviors which occur while under the influence of alcohol and persons violating these policies will be subject to disciplinary action. The disciplinary action may include reprimand, disciplinary probation with or without specific conditions, referral to individual and/or group counseling at the student's expense, educational sessions, parental notification and/or suspension.

Current drug alcohol programs as follows:

- **Substance & Alcohol Awareness Program (SAAP)** two one hour sessions with a drug/alcohol prevention specialist from Herkimer County Prevention Council. Used as part of the judicial system.
- **Intervene program** – five, one on one sessions with a drug/alcohol prevention specialist from Herkimer County Prevention Council. Used as part of the judicial system.
- **Annual Alcohol Fair** – a day of prevention programs and workshops with club and student involvement.
- **Drugs 101** – A prevention/awareness workshop series with topics that change yearly such as “Alcohol and Academics”, “Smoking and Toking” and “who is molly”.

Alcohol and the Law

People “under the influence” of alcohol or other drugs are dangerous – to themselves and to others. Each year, college students spend \$5.5 billion on alcohol – three times the amount spent on books. Students under the age of 21 violate the law when they drink. Besides breaking the law, many abuse alcohol endangering their health and safety. Excessive drinking is hazardous to non-drinkers too—they suffer from loss of sleep and study time, vandalism, physical assault, unwanted sexual advances and rape. Studies show that alcohol is involved in:

95% of all campus violent crime

90% of rapes, where alcohol was used by the assailant, victim or both

The immediate effects of alcohol depend on how much and how fast you drink. Effects may include:

- ✓ loss of muscle control
- ✓ poor coordination
- ✓ impaired judgment and reasoning
- ✓ loss of inhibitions

Drinking and driving is a major cause of deaths and injuries among young people. Half of all fatal crashes involve a driver who's been drinking. Other problems associated with alcohol include:

- ✓ loss of driver's license
- ✓ vandalism, violence and legal problems
- ✓ expulsion from school
- ✓ poor grades
- ✓ poor health

- ✓ accidents and injuries

Mixing alcohol and other drugs can have unpredictable and dangerous results.

Remember, drinking is illegal for people under the age of 21. Obey state, local and campus rules about alcohol use. A violation of the law is a violation of College policy.

Drugs and Other Controlled Substances

The sale, use, possession or distribution of prohibited drugs or other controlled substances, or loitering with the intent of engaging in any of these activities, is prohibited on any College or College-related property. The term “drug” includes all controlled substances defined in section 220.00 of the New York State Penal Law and Marijuana Reform Act of 1977. The College will cooperate fully and completely with Local or State authorities on any case of suspected illegal use, possession or redistribution of State controlled drugs or marijuana. Any student who is apprehended for the same will in no way be protected by the College. The offender may also face separate disciplinary action by the College. Support services are available through the Counseling Center.

Good Samaritan Policy

Students who seek medical assistance in an Alcohol and/or substance-abuse related emergency do not need to be concerned with the potential disciplinary consequences for themselves or for the person in need of assistance.

When responding to such AOD (alcohol or other drug) violations, the College will consider the student’s decision to request medical assistance as an act of good judgment, therefore not deserving of the typical range of AOD sanctions. Thus, if it is determined that the Good Samaritan Policy applies to a situation, the student(s) involved will not be subject to a violation of the AOD Policy.

This policy is applicable to the following parties:

- **Student requesting medical assistance for oneself;**
- **Student requesting medical assistance for another person;**
- **Student for whom medical assistance was provided.**

This policy does not protect students who repeatedly violate college policies. Once a student receives medical amnesty, future amnesty is at the discretion of the Dean of Students’ Office. The Dean of Students’ Office also has discretion to determine that this policy does not apply in more serious situations including: criminal possession of drugs, property damage, violence, etc.

You may find this and other AOD policy information within the Student Handbook online by ctrl+clicking here: <http://www.herkimer.edu/assets/Student-Handbook/Herkimer-College-2015-16-Student-Handbook.pdf>. For further information or questions you may contact: Herkimer College’s Counseling Center at 315-866-0300 (x8284) or the Dean of Student’s Office at 315-866-0300 (x8276)

Social Host Policy

Students who host Large Parties (10 or more people) in their on campus apartment when alcohol and other drugs are being consumed may be subject to immediate removal from campus housing.

Remember that Herkimer College is a “Dry Campus,” which means that alcohol is not allowed within the residences or anywhere on the Herkimer College campus – regardless of age.

You may find this and other AOD policy information within the Student Handbook online by ctrl +clicking here: <http://www.herkimer.edu/assets/Student-Handbook/Herkimer-College-2015-16-Student-Handbook.pdf>

Sexual Harassment/Assault

Herkimer College condemns sexual misconduct of any kind. This type of behavior constitutes violations of acceptable campus codes of conduct as well as New York State Law. Members of the Herkimer College community who commit these crimes will be subject to harsh sanctions from the College and/or the criminal justice system.

Sanctions that may be imposed by the College following a disciplinary proceeding for any violation of the Student Code of Conduct are explained in the Student Handbook, which is published on an annual basis. To ensure that members of the college community are aware of this potential problem, seminars are scheduled regularly to address this issue.

Bias Crimes Prevention

Hate Crimes and the Law

It is Herkimer County Community College’s mandate to protect all members of the Herkimer County Community College community by preventing and prosecuting bias or hate crimes that occur within the campus’ jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the Federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York State law are available from Campus Safety.

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 convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, Herkimer County Community College Campus Safety assists in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the College as acts of bigotry, harassment, or intimidation directed at a member or group within the Herkimer County Community College

community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the College's Complaint Procedure or the campus conduct code. Bias incidents can be reported to Campus Safety as well as to Human Resources.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to Campus Safety by calling 911 in an emergency, using a Blue Light emergency phone, by calling 315-866-0300 ext 8616 from any phone or stopping by CC264 Campus Safety will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus by contacting the College Counseling Center at 315-866-0300, Ext. 8284 or in CC308-311.

For general information on Herkimer County Community College security procedures, see www.herkimer.edu or call 315-866-0300 ext 8616.

More information about bias-related and bias crimes, including up-to-date statistics on bias crimes, is available from the Director of Campus Safety upon request.

SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY

Sexual Assault and the Law

Herkimer College has programs in place to protect all members of the Herkimer College community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of Herkimer College Campus Safety. Herkimer College does not condone any type of sexual activity without proper consent. As defined, **Consent** is clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activities. NYS Law contains the following legal provisions defining the crimes related to sexual assault:

Section 130.20—Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/30/35—Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/45/50—Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.52—Forcible Touching. This offense involves the forcible touching of 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. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/60/65—Sexual Abuse. This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

Section 130.65-a/66/67/70—Aggravated Sexual Abuse. This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

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.”

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

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Herkimer 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. Herkimer College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution 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 Herkimer College officials or law enforcement will not be subject to Herkimer College’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.

Campus Climate Assessment Policy

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. During designated years (beginning in spring 2017), each State University of New York State-operated and community college will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- Student and employee knowledge about:
 - The Title IX Coordinator’s role;
 - Campus policies and procedures addressing sexual assault;
 - How and where to report sexual violence as a victim/survivor or witness;
 - The availability of resources on and off campus, such as counseling, health, academic assistance;
 - The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);

- Bystander attitudes and behavior;
- Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report.
- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2016-2017 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Students' Bill of Rights

The State University of New York and Herkimer County Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors 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:

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 to 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 or conduct process of the College.

Sexual Violence Response Policy

The State University of New York and Herkimer County Community 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 violence 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. In accordance with the Student's 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:

- To disclose confidentially the incident to a college or community official, who by law may maintain confidentiality, and can assist in obtaining services:
 - Counseling Center – 315-866-0300 (x8284). College Center, Room 302.
 - YWCA Mohawk Valley – Child Advocacy Center & Sexual Violence Services, 284 West Main Street, Ilion, NY 13357 (315) 866-4120, 24-hour hotline.

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
 - Legal Momentum: <https://www.legalmomentum.org/>;
 - NYSCADV: <http://www.nyscadv.org/>;
 - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
 - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
 - RAINN: <https://www.rainn.org/get-help>.
 - Safe Horizons: <http://www.safehorizon.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. 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 disclose the incident to one of the following 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 the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more 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 district attorney,:

- Campus Safety – 315-866-0300 (x8616) or call 911.
- Dean of Students (Title IX Coordinator) – 315-866-0300 (x8276). CA Building, Room 264.
- Director of Campus Safety – 315-866-0300 (x8336). CA Building, Room 264.
- To file a criminal complaint with Campus Safety and/or local police and/or state police:
 - Campus Safety - **315-866-0300 (x8616) or call 911.**
 - Herkimer Police Department - 120 Green St, Herkimer, NY 13350. **(315) 866-4330**
 - Dial 911 (for surrounding municipalities).
 - State police 24-hour hotline to report sexual assault on a NY college campus: **1-844-845-7269.**
- 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 Herkimer County Community College policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Dean of Student's **office (315-866-0300, x8276)** anonymously to discuss the situation and available options.
 - Dean of Students (Title IX Coordinator) – **315-866-0300 (x8276). CA Building, Room 264.**
- When the accused is an employee, a reporting individual may also report the incident to the Human Resources Office and/or may request that one of the above referenced confidential or private employees assist in reporting to the Human Resources Office. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the 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 college policy.
 - Human Resources Office – **315-866-0300, x8332, College Center, Room 239.**
- You may withdraw your complaint or involvement from the process at any time.
- At the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented: "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 your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

Resources:

- To obtain effective intervention services.
 - Herkimer County Community College Counseling Center – (315) 866-0300 (x8284), College Center, Room 302.
 - YWCA Mohawk Valley – Child Advocacy Center & Sexual Violence Services, 284 West Main St., Ilion, NY 13357 (315) 866-4120, 24-hour hotline.
- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at:
 - Bassett Healthcare - 321 E. Albany St., Herkimer, NY (315) 867-2700.
 - Planned Parenthood, Utica - 1424 Genesee St., Utica, NY 13502 (315) 724-6146
- 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 and, 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.
 - Little Falls Hospital - 140 Burwell St., Little Falls, NY 13365 (315) 823-1000
 - Saint Elizabeth Medical Center - 2209 Genesee St., Utica, NY (315) 798-8100

- Faxton St. Luke's Healthcare - 1676 Sunset Ave.
Utica, NY (315) 624-5462

The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: http://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>.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

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 Herkimer County Community College policy. Parties may submit evidence in support of their request. The campus will promptly review existing no contact orders at a party's request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.
- To have assistance from Campus Safety or other 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 a college official 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).
- The campus will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.
- To 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 Campus Safety 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 Campus Safety or, if outside of the jurisdiction or to 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. The campus will promptly review existing interim suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support 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 applicable collective bargaining agreements, employee handbooks, and Herkimer County Community College 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 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.
 - Dean of Students (Title IX Coordinator) – 315-866-0300 (x8276). CA Building, Room 264.

Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Herkimer County Community College Student Code of Conduct (<http://www.herkimer.edu/experience/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 their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
 - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner.
 - The right to an investigation and process conducted in a manner that recognizes the legal and policy requirement of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - The right to offer evidence during an investigation and to review available relevant evidence in the case file.
 - 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 hearing officer, and via the hearing officer, 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 hearing officer is deliberating on appropriate sanctions.
 - The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.
 - The right to written or electronic 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 or a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, the campus will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.
- *For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act¹ established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of 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 the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.*

Educational Programs

Educational programs to promote awareness of rape, acquaintance rape, and sexual offenses are presented to the campus community. Campus Safety and Student Services staff provide programs for the benefit of all students, including Residence hall students.

Other Resources:

Director of Campus Safety	CA Room 264, x8336
Dean of Students Office	CA Room 262, x8276
YWCA Sexual Violence Services Hotline	(315) 866-4120
Herkimer Police Department	(315) 866-4330
New York State Police	(315) 866-7111
Emergency	911

SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT (TITLE IX)

“No person in the United States shall, on basis of sex, be excluded from participation, in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance”. – Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act.

In accordance with Federal and State laws and regulations, Herkimer College **prohibits** discrimination and harassment on the basis of race, color, national origin, political beliefs, age, religion, sex, gender identity, sexual orientation, marital status, military status, predisposing genetic characteristics, or disability, including pregnancy in acceptance for and/or provision of services, employment, and access to services, programs, and activities.

ATHLETIC EQUALITY

Title IX governs the overall equality of opportunity and treatment in athletic programs while giving flexibility to choose sports based on student interest, geographic influences, budget restraints, and gender ratio. Herkimer College's primary goal is to have equal opportunity for men and women to participate in intercollegiate and recreational programs.

ADDITIONAL DISCRIMINATION

The most common applications of the Title IX law apply to Athletic Equality and Sexual Harassment. Title IX also applies to admissions, financial aid, academic matters, career services, counseling services, medical services, and all other programs and services available to Herkimer College students.

SEXUAL HARASSMENT

The Equal Employment Opportunity Commission has amended its Guidelines on Discrimination because of Sex, in order to clarify its position on the issue of sexual harassment, an unlawful employment practice.

1. "The guidelines define sexual harassment as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when
 - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."
2. Though the guidelines are based on Title VII and apply only to sexual harassment in the workplace, consistent with SUNY's policy to ensure fair treatment to all individuals, protection for students is to be provided by these same guidelines.
3. Herkimer College has an existing formal grievance procedure for the benefit of its employees and students. The grievance procedure will be used for the review of any allegations an employee or student may have against another employee or student of Herkimer College.

COMPLAINT/GRIEVANCE PROCEDURE

A grievance may be filed for ANY unlawful discrimination against someone in regard to race, color, national origin, religion, age, sex, disability or marital status, political beliefs, gender identity, sexual orientation, military status, predisposing genetic characteristics, or disability, including pregnancy. A formal complaint may be filed with a Campus Title IX Compliance Officer.

Each student of Herkimer College has an obligation to report discrimination and prohibited sexual harassment to an appropriate College official. Any student who believes he or she is the victim of discrimination or prohibited harassment should report it to a Campus Title IX Compliance Officer or any other faculty or staff member with whom he or she feels most comfortable.

All Inquiries, complaints, grievances, and investigations are treated with sensitivity, seriousness, and confidentiality. Only when required by law or when there is issue of safety, will confidential information be shared with the appropriate individuals without the complaint's knowledge.

Herkimer College Campus TITLE IX Compliance Officers review, update, and implement current Title IX policies. They coordinate training and resources, in order to, ensure effective and timely responses to complaints, misconduct, discrimination, and/or harassment.

CAMPUS TITLE IX COMPLIANCE OFFICERS:

Director of Human Resources - Office Location, CC 241 • Phone (315) 866-0300, x8332

Dean of Students - Office Location, CA 264 • Phone (315) 866-0300, x8276

FILING A COMPLAINT/GRIEVANCE

A complaint/grievance of discrimination and harassment may be made in the Human Resources Office or the Dean of Students' Office. For cases involving employees (complaints between employees and/or between employees and students), complaints should be filed with the Director of Human Resources. For cases involving students (complaints between students), complaints should be filed with Dean of Students. Students or employees will have 90 calendar days to formally file a complaint. Faculty or staff members who receive a complaint from a student must immediately inform a designated Campus Title IX Compliance Officer.

FORMAL RESOLUTION (COMPLAINTS BETWEEN STUDENTS)

Once a complaint of discrimination or prohibited harassment has been made, either in writing or orally, or observed discrimination or harassment has been reported, the designated Campus Title IX Compliance Officer (Dean of Students) will have 14 calendar days to investigate the complaint and communicate in writing a response to the grievant and the individual alleged to have committed the act, describing any actions that will be taken to redress the issue. While the investigation is being conducted, appropriate immediate steps to end the alleged discrimination and/or harassment will be taken. The Dean of Students then has the discretion of mediating the complaint, sending the case to an Administrative Hearing, or sending the case to the Judicial Review Board. The Dean of Students shall then be obligated to communicate in writing his/her decision to the grievant and the individual alleged to have committed the act, within 14 calendar days after receiving the grievant's complaint.

FORMAL RESOLUTION (COMPLAINTS BETWEEN EMPLOYEES &/OR BETWEEN EMPLOYEE AND STUDENT)

Once a complaint of discrimination or prohibited harassment has been made, either in writing or orally, or observed discrimination or harassment has been reported, the designated Campus Title IX Compliance Officer (Director of Human Resources) will have 14 calendar days to investigate the complaint and communicate in writing a response to the grievant and the individual alleged to have committed the act, describing any actions that will be taken to redress the issue. While the investigation is being conducted, appropriate immediate steps to end the alleged discrimination and/or harassment will be taken. The Director of Human Resources then has the discretion of mediating the complaint.

The Director of Human Resources shall then be obligated to communicate in writing his/her decision to the grievant and the individual alleged to have committed the act, within 14 calendar days after receiving the grievant's complaint.

APPEAL PROCESS

If the grievance has not been satisfactorily resolved by formal resolution, the grievant may then appeal the decision to the President of Herkimer College within 14 calendar days after receiving the decision rendered. The President shall then be obliged to give the grievant a hearing within 14 calendar days of receipt of the appeal.

The grievant and the individual alleged to have committed the act shall be notified in writing of the hearing at least seven (7) calendar days prior to the date set for such a hearing. At the hearing, the grievant and/or his/her representative, and the individual alleged to have committed the act, and his/her representative may appear and present oral and/or written statements either directly or through witnesses. The President shall then be obliged to communicate his/her decision in writing together with his/her supporting reasons to the grievant and the individual alleged to have committed the act, within 14 calendar days after the completion of the hearing. The decision made as a result of an appeal to the President of the College is considered final.

Herkimer College takes complaints of discrimination and prohibited harassment with the greatest seriousness. For that reason, any individual who is found to have engaged in conduct which violates this policy will be subject to discipline. For students, discipline may include the possibility of suspension or expulsion from the College.

Remember, assaults – sexual or otherwise – are crimes; they are not the victims’ fault. Victims have the right to pursue adjudication of crimes that occur on the Herkimer County Community College campus through criminal courts and/or through the College’s internal disciplinary process (under the Campus Code of Conduct). Herkimer County Community College Safety Officers are trained to assist with prosecution in both systems.

Sexual Harassment

Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it reasonably interferes with, denies or limits someone’s ability to participate in or benefit from the educational programs and/or activities offered at Herkimer College. Sexual harassment is based on power differentials (*quid pro quo*), the creation of hostile environment, or retaliation.

Sexual Violence

Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including, but not limited to rape, sexual battery, and sexual coercion.

Stalking

The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Domestic Violence

Domestic Violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Dating Violence

Dating Violence is any act of violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship. A business or social relationship alone shall not constitute a romantic or intimate relationship.

Date Rape Safety Tips

- date people you and/or your friends know well
 - plan to meet your date in a social situation
 - be prepared to have your own way of travel home
 - don’t use alcohol or drugs, they decrease your ability to make reasonable decisions
 - don’t invite your date into your home if you know you will be alone upon arrival
- ABOVE ALL - TRUST YOUR INSTINCTS!!**

SEXUAL ASSAULT INFORMATION

(AID TO VICTIMS OF VIOLENCE)

If you are a victim of sexual assault, immediately report the assault to the police. On campus dial 8616 for Campus Safety, off campus or from your cell phone dial 911. The police cannot investigate the incident as a crime unless you file a formal report. Reporting a crime to the police or to another campus office does not necessarily obligate you to follow through with criminal prosecution.

- Go to a hospital emergency room as soon as possible if the assault involved a sexual penetration or other physical injuries. (Evidence can be collected several hours after the attack, but its value may be diminished.) Do not wash, change clothing, or otherwise (clean up.) Bring a full change of clothing because the clothes you were wearing at the time of the attack may be kept as evidence.

Your follow-up medical care is crucially important. You may need tests for sexually transmitted diseases and pregnancy.

- No matter when or where the assault occurred, support and referral resources are available to help you. Contact Campus Safety, the Counseling Center or other College officials for assistance.

An individual charged with sexual misconduct will be subject to College disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending.

The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the College's priority. When the victim and the accused live in the same residence hall, an immediate hearing with the College Judicial Officer will be held to determine the need for modifying the living arrangements.

Assistance for any other personal or academic concerns will be reviewed and options provided.

Both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the *Family Educational Rights and Privacy Act (FERPA)*. For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

Disclosure to Alleged Victim of Crimes of violence/sex offenses

The victim has the right to information regarding the status of his/her case.

Herkimer College will, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Herkimer College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Remember: Campus Safety is a continuous process and each of us has an obligation to be responsible for our own safety being appropriately cautious and by applying common sense to everyday situations.

Sex Offender Registration Act

This Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The Registry contains information on sex offenders classified according to their risk of re-offending as follows: low risk (level 1), moderate risk (level 2), and high risk (level 3). The Act requires that DCJS also maintain a subdirectory of level 3 offenders. The DCJS Sex Offender Registry site may be found at www.criminaljustice.ny.gov/nsor/ and contains their subdirectory of level 3 sex offenders as well as other information regarding New York State's Sex Offender Registry.

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

Herkimer College Crime Statistics 2014

	On Campus	Campus Housing	Non Campus	Public Property
Homicide				
Murder & Non Negligent Homicide	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses				
Forcible	0	0	0	0
Non-forcible	0	0	0	0
Robbery				
	0	0	0	0
Aggravated Assault				
	2	2	0	0
Burglary				
	0	0	0	0
Motor Vehicle theft				
	0	0	0	0
Arson				
	0	0	0	0
Liquor Law				
Arrests	61	59	0	0
Referrals	64	47	0	0
Drug Law				
Arrests	16	16	0	0
Referrals	58	52	0	0
Illegal weapons Possession				
Arrest	0	0	0	0
Referrals	1	1	0	0

Herkimer College Crime Statistics 2015

	On Campus	Campus Housing	Non Campus	Public Property
Homicide				
Murder & Non Negligent Homicide	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses				
Forcible	2	2	0	0
Non-forcible	0	0	0	0
Robbery				
	1	1	0	0
Aggravated Assault				
	1	1	0	0
Burglary				
	0	0	0	0
Motor Vehicle theft				
	0	0	0	0
Arson				
	0	0	0	0
Liquor Law				
Arrests	46	42	0	0
Referrals	47	47	0	0
Drug Law				
Arrests	22	21	0	0
Referrals	58	58	0	0
Illegal weapons Possession				
Arrest	0	0	0	0
Referrals	10	9	0	0

Herkimer College Crime Statistics 2016

	On Campus	Campus Housing	Non Campus	Public Property
Homicide				
Murder & Non Negligent Homicide	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses				
Forcible	0	0	0	0
Non-forcible	0	0	0	0
Fondling	2	2	0	0
Incest	0	0	0	0
Robbery				
	0	0	0	0
Aggravated Assault				
	0	0	0	0
Burglary				
	0	0	0	0
Motor Vehicle theft				
	0	0	0	0
Arson				
	0	0	0	0
Liquor Law				
Arrests	46	43	0	0
Referrals	58	57	0	0
Drug Law				
Arrests	10	10	0	0
Referrals	52	52	0	0
Illegal weapons Possession				
Arrest	2	2	0	0
Referrals	11	11	0	0

2016 VAWA Reports

	On Campus	Campus Housing	On Campus Total	Non Campus	Public Property
VAWA Crimes					
Dating Violence	3	3	3	0	0
Domestic Violence	2	2	2	0	0
Stalking	3	2	3	0	0

2015 VAWA Reports

	On Campus	Campus Housing	On Campus Total	Non Campus	Public Property
VAWA Crimes					
Dating Violence	4	3	4	0	0
Domestic Violence	1	1	1	0	0
Stalking	1	0	1	0	0

2014 VAWA Reports

	On Campus	Campus Housing	On Campus Total	Non Campus	Public Property
VAWA Crimes					
Dating Violence	3	2	3	0	0
Domestic Violence	3	2	3	0	0
Stalking	0	1	1	1	0

Herkimer Village Police Required Crime Reporting Statistics

Statistics 2013-2015 – Complaints reported to Herkimer Police Department.

	16	15	15
Murder	0	0	0
Rape	11	6	7
Robbery	5	4	7
Assault	38	50	48
Burglary	29	24	32
Larceny	302	250	357
Motor Vehicle Theft	0	3	0
Controlled Substances	20	31	22
Criminal Mischief	102	76	124
D.W.I.	46	52	27
Disorderly Conduct	262	311	552
Arson	0	0	2

***Note the above captioned crime statistics are reported to Herkimer Campus Safety Department by the Village of Herkimer New York Police Department administrative staff.**

Timothy Rogers – Herkimer College Director of Campus Safety

When a hate crime is reported, it will be labeled with the following categories of prejudice: R= race; G = gender; REL = religion; SO = sexual orientation; and/or E = ethnicity. In addition to the above categories, the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, vandalism of property, or any other crime involving bodily injury. Herkimer County Community College did not have any hate crimes in those categories for 2014, 2015, or 2016.

**Bias-related crimes-categories not listed above:
Total Reported to Campus Safety**

2014	2015	2016
0	0	0

Preserving Personal Safety Sexual Assault Programs Offered

At the beginning of every semester, the Director, Assistant Director and members of Campus Safety provide presentations to all First Year Seminar classes. As part of that presentation sexual assault awareness is addressed. Also, throughout the year the Counseling Center offers programs to address sexual assault awareness. These programs often include independent presenters from off campus. Some specific examples are listed below:

- **Bike Patrol** – Two officers with Campus Safety are trained and ride in the spring and fall seasons.
- **Silent Witness Program** – e-mail address that can be used to report crime to Campus Safety anonymously.
- **Tips Line** – (315)866-0300 ext 8477 – used to report crimes anonymously to Campus Safety
- **Project ID** – Campus Safety will engrave property to discourage theft and burglaries. This is free to the campus community.
- **RAD** – Rape Aggression Defense training by certified Campus Safety Officer. Courses are offered each semester for females only.
- **SNAP** – Student Nighttime Auxiliary Patrol, escorts provided to students walking between classes, dorms or to vehicles on campus.
- **Take Back the Night** – sponsored by the YWCA of Herkimer County and includes the “speak out” against sexual violence.
- **The Clothesline project** – sponsored by the YWCA of Herkimer County and hung in the College Center. Shirts are designed by survivors of violence to increase the awareness of the impact of violence and encourage others to “break the silence” to end the cycle of abuse.
- **Tim Collins** – Presentations on sexual assault prevention and By-Stander intervention
- **Domestic Violence Programming** – Specifically Domestic Violence counselors come on campus and set up tables for students to speak with them in private or get information about services. For the Fall 2014 Semester Domestic Violence employee’s will go to all Freshman Seminar classes with the Campus Safety Presentation and speak about their programs both on and off campus as well as provide information about dating violence.

- **Off-Campus Jurisdiction** – Herkimer College Student Code allows for pursuing judicial action against students who are involved in off-campus incidents which also violate the College Student Code and/or federal, state or local laws, statutes, or ordinances. Typically the campus reserves this prerogative for more serious misconduct.
- **Suspension/Dismissal** – students who are suspended or dismissed are NOT ALLOWED to be on campus or at campus-sponsored events for any reason unless prior permission is received from the Dean of Students.
- **Persona Non Grata (PNG)** – an order of exclusion from campus to non-students who have demonstrated that their presence on campus would be a threat to the campus and/or campus members. Violators can be arrested for criminal trespass by the Campus Safety Department.

- **Confidentiality** – students have the option of having their directory information unlisted. Details are available from the Registrar’s Office.
- **Late Night Shuttle Bus** - the shuttle runs off campus to numerous downtown locations from 7:15 A.M. to 10:05 P.M., departs campus. Times of operation and drop off/pick up locations are subject to change. Schedules may be picked up in the Admissions office located in RMCC building.

Additional programs may be offered through the YWCA of Herkimer County. You may contact them by calling (315)895-0349.

Community Resources

Emergency	911
Campus Safety	(315)866-0300 Ext. 8616 on-campus phone 8616
Director of Campus Safety	Ext. 8276
College Counselors	(315)866-0300 Ext. 8284
Coordinator of Health Services	(315)866-0300 Ext. 8373
Dean of Students	(315)866-0300 Ext. 8276
Rape Crisis Hot Line	(315)866-4120
Herkimer Police Department	(315)866-4330
New York State Police	(315)866-7111
Herkimer Fire Department	(315)866-2242
Veterans Counseling	(315) 868-1000

Report Crime

911 - for an emergency.

HCCC TIPS Line: (315)866-0300 Ext. 8477 on-campus phone 8477

Email: silentwitness@herkimer.edu

Campus Fire Safety

Herkimer County Community College's "fire log" is maintained in the Campus Safety office and is available to view upon request to Campus Safety. The chart below is a compilation of fires that occurred in Residential Housing between 2013 and 2015. Note that cases of arson would also be reported in the crime section of this document. All fires should be reported directly to 911.

2014 Fire Reports

Date/Location	Type/Cause	Number of Injuries treated at medical facility	Related deaths	Property damage	Value of property damage
No Fires	N/A	N/A	N/A	N/A	N/A

2015 Fire Reports

Date/Location	Type/Cause	Number of injuries treated at medical facility	Related deaths	Property damage	Value of property damage
04/07/2015 Reservoir Run 16	Cooking	0	0	Stove top and pan or origin	N/A clean up only
8/28/2015 College Hill 212	Cooking	0	0	Stove top and pan or origin	N/A Clean up only

2016 Fire Reports

Date/location	Type/Cause	Number of injuries treated at medical facilities	Related Deaths	Property Damage	Value of property damage
09/19/2016 College Hill 442	Cooking	0	0	0	N/A clean up only
11/30/2016 College Hill 319	Cooking	0	0	0	N/A clean up only

For the safety of all residence, use and/or possession of these appliances will not be allowed in any of the residence halls:

- Space heater
- Halogen lamps & lamps with plastic globes
- Live Christmas trees
- BBQ grills
- Extension cords
- Wall Tapestries & flags
- Incense, candles or open flames
- Fireworks
- Firearms or ammunition
- Gasoline or other flammable liquids
- Foreman grill
- No smoking inside any college related buildings including all residential halls

Fire Safety Systems

College Housing Facilities

Building	Assembly Space	Detection Type	Sprinkler (y/n)	Alarm sound	Strobe (y/n)
College Hill	Between Buildings off Roadway	Smoke/Co	No	Horn	N
Campus Meadows	Rear field	Smoke/ Co	No	Horn	N
Reservoir Run	Next to rear parking lots	Smoke/ Heat Co	yes	Horn	Y

In case of Fire call 911

A TOTAL OF 98 FIRE DRILLS WERE HELD ON CAMPUS FOR THE YEAR.

Emergency Evacuation

Student Housing

In all of the residential housing units, students are expected to leave the facility immediately after the fire alarm has activated. Staff members are expected to leave as well, but advised to make cursory checks as they depart buildings they occupy. Staff members assume responsibilities such as securing outside doors to prohibit students from reentering the buildings or apartments while they wait for Campus Safety and the Fire Department. Once on scene, the Fire Department will determine the cause of the alarm activation and determine when the building is safe to re-enter.

Staff members report to Campus Safety and/or the Fire Department any special needs or issues they observe while evacuating the building. Before students are allowed to re-enter, staff and Campus Safety make room checks to be sure the protocol for evacuation was followed. While fire extinguishers are available, all students are encouraged to evacuate the building rather than fight the fire. The Director of residence Life will address evacuation procedures during Student Orientation for residential students.

Campus Safety - has the responsibility for 1) holding fire drills as required, 2) reporting fires to the appropriate agencies, 3) assisting and responding to all campus emergencies.

Employees – have the responsibility for 1) reporting fires and other emergencies to 911, 2) Observing evacuation procedures and protocol for other campus emergencies.

Visitors - have the responsibility for observing evacuation procedures and protocols for other campus emergencies.

Fire Safety Education and Training

All Faculty, Staff and Students are expected to familiarize themselves with the evacuation plan for the buildings in which they occupy, including the identified assembly places. In all buildings, use the nearest exit to evacuate a building. Do not use any elevators to evacuate the buildings. Faculty is advised to bring their rosters with them when evacuating a classroom, so that attendance can be taken once they reach the safe evacuation point.

Programs are also presented in residence halls on various safety issues including fire safety, cooking and evacuating the residential halls upon activation of a fire alarm. Additionally, all residential students are shown a video on safe cooking and grease/oil fires and how to properly extinguish them. Students and Resident Assistants are also trained on whom to call in case of a fire. An Official from OFPC also has a presentation for all Resident Assistants during their initial training on fire safety.

Residential Area Coordinators also make monthly “fire safety inspections” of all residential apartments. This includes dirty stove and other fire safety hazards that may be found. Unauthorized items are confiscated and students may be issued Student Code of Conduct violations.

Area Coordinators and Resident Assistants also train with Campus Safety during fire alarm drills to keep them up-to-date with the evacuation process.



Herkimer County Community College Emergency Siren / Public Address

Why did HCCC install a Siren / PA warning system?

Herkimer County Community College considers communication during an emergency situation an important part of its overall Crisis Plan. Currently HCCC uses several ways to communicate with students, faculty and staff; including email, NY-Alert, College Web Site, and now an emergency siren located on the top of the Physical Education Building. The siren is an enhancement to our current communication methods, especially the NY-Alert System.

What does the siren sound like?

The siren sounds similar to a fire station siren and has the ability to be used in combination as a public address system as well. When activated, the siren will always sound prior to any PA message being delivered.

To hear sounds Ctrl + Click to follow Link below:

<http://www.whelen.com/MASSNOTIFICATION/warngintones.php>

How far will the siren be heard?

The siren should be heard outside any place on campus.

What should I do when I hear the emergency siren?

- Notify others who are near you of the emergency and immediately seek shelter and stay in place.
- Select interior rooms, closets, copy rooms, offices, classrooms or dorm rooms.
- Close and lock all doors, windows, blinds, shades and any other opening to the outside.
- Remain calm, silence your cell phone and try to be as quiet as possible.
- Do not go outdoors unless instructed to do so.
- If the siren stops, **DO NOT MOVE**, stay in place and wait for the All CLEAR to be given over the Siren/PA system and or through NY-Alert.

The Siren will be tested each Semester.

Each semester Campus Safety will test the Siren System to make sure it is functioning properly and also so that our college community can hear the tones of the siren. The college community as well as the local community will be clearly advised in advance of the siren testing date and time.

NY-Alert Emergency Notification Sign-up:

Go to www.herkimer.edu/safety and follow directions to sign up



