



# Annual Security and Fire Safety Report 2023



Includes Crime Statistics for Calendar Years 2021, 2022, 2023 as well as information required by the Drug Free Schools & Communities Act

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Prepared by the Office of Campus Safety

In 1986, Jeanne Clery was a student at Lehigh University who was murdered in her dorm room by another student. Clery's parents, who believed the University had failed to share vital information with its students regarding campus safety, campaigned for legislative reform for several years following their daughter's death. Their sustained efforts resulted in the passage of the **Clery Act**, a federal law requiring all universities and colleges receiving federal student financial aid to report crime statistics, alert the campus community of imminent dangers, and distribute an **Annual Security and Fire Safety Report** to current and prospective students and employees.



Jeanne Clery

## **Message from the Roberts Wesleyan University Campus Safety Department**

This report is completed annually by the Roberts Wesleyan University Campus Safety Department, which is responsible for ensuring the safety and security of the University community from all hazards, including crime. We urge members of the University community to use this report as a guide for safe practices on and off campus.

We urge members of the Roberts Wesleyan University community (referred to in this report as the "University") to use this report as a guide for safe practices on and off campus.

The University sends an e-mail to every enrolled student and current employee on an annual basis to notify that the report is available to be viewed. The e-mail includes a brief summary of the contents of this report and the web address for the Roberts website where the Annual Security and Fire Safety Report can be found.

For prospective students, members of the community, and others, the *Annual Safety and Security Report (Clery Report)* is available online. You may request to have a hard copy mailed to you by calling 585-594-7777. The hard copy shall be mailed within ten days of the initial request (NYS Education Law 129A section 6433). A copy of the report can also be obtained from the Roberts Wesleyan University Campus Safety office located in Room 270, Voller Athletic Center, Roberts Wesleyan University, 2301 Westside Drive, Rochester, New York, 14624.

This report will provide you with information on safety and security at the campus. Inside you will find information regarding policies and procedures for reporting crime, safety and security and protection programs, victim assistance services, fire safety and other material to assist you in maintaining your safety and security. This report is provided in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)* and the *Higher Education Opportunity Act (HEA)*.

We encourage you to read this information and consider how the information contained in this report can help you and the University community prevent and protect yourself against crime. Thank you for taking the time to review this information and helping to make Roberts a safer community.

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## **About Roberts Wesleyan University**

Located just outside of Rochester, New York, Roberts Wesleyan University is a vibrant private Christian Institution that offers excellence in liberal arts and professional programs.

Roberts Wesleyan University is New York's leading University for character education, committed to Christ-centered education, transformational learning and service. With an enrollment of 1,621 students and a tradition of excellence for over 157 years, the University strives to inspire students to transform themselves and the world, and offers over 100 undergraduate, graduate and adult-degree completion programs taught by high-quality, supportive faculty. The University has two doctoral programs in clinical/school psychology and occupational therapy. Redhawks Athletics offers 19 NCAA DII intercollegiate sports. Roberts Wesleyan has been honored on the Great Colleges to Work For list, presented by the Chronicle of Higher Education, in addition to numerous recognitions for its degree programs and institutional value.

## **Department of Campus Safety**

The Vice President for Operations and Business Development is responsible for the Department of Campus Safety. The Department of Campus Safety is organized and staffed to provide essential services and to respond to critical situations on the main campus twenty-four hours a day, seven days a week.

The Department is led by the Director and includes an Assistant Director and 29 full-time as well as part-time Campus Safety Officers.

Campus Safety is not a sworn law enforcement agency and do not have the arrest authority as sworn police or peace officers. Campus Safety officers are not duty bound to make arrests. The authority to make an arrest is the same as that of a private citizen as outlined in Section 140 of the New York State Criminal Procedure Law. Roberts Wesleyan University is a private institution and as such, Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business on all University property. Campus Safety is charged with the enforcement of the University's Public Conduct Standards policy on campus property. Campus Safety Officers have the authority to eject and ban violators from University property. Campus Safety Officers have the authority to issue parking tickets.

## **Working Relationships**

Campus Safety maintains a highly professional working relationship with the Monroe County Sheriff's Office and the Town of Ogden Police Department. Campus Safety works closely with these agencies when incidents arise that may require joint investigative efforts, resources, crime related reports and exchanges of information. The University has entered into a Memorandum of Understanding with the Monroe County Sheriff's Office regarding the duties and obligations concerning the coordination of law enforcement efforts between the University and the Monroe County Sheriff's Office for the investigation of alleged criminal offenses.

## **Training**

Campus Safety Officers meet the training requirements prescribed by New York State for Security Guards under Article 7-A Section 89-e of the NYS General Business Law. In addition to this training, officers attend CPR, AED, and Basic First Aid certification. A majority of our Campus Safety Officers are current and retired law enforcement professionals.

## **Public Conduct Standards**

Roberts Wesleyan University has established standards of conduct for maintaining public order on the University campus and any other University owned properties. These principles, regulations, and procedures are in compliance with provisions of Article 129A, Section 6430 of the Education Law of the State of New York.

No member, contractor, visitor, licensee or guest of the University community may engage in the following behaviors on University premises:

- Obstruction or disruption of any sanctioned and authorized University activity.
- Prevention of free movement, such as pedestrian or vehicular movement.
- Possession or use of firearms and explosives; dangerous, destructive, or obnoxious chemicals; or any dangerous or apparently dangerous weapons, other than as allowed by law and University regulations.
- Possession or use of alcoholic beverages, tobacco, or illegal drugs.
- Detention, physical abuse, or conduct that threatens bodily harm or endangers the safety or health of any person.
- Intentional damage or theft of University property or the property of any person when it is located on the premises of the University or during an authorized function of the University.
- Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- Entry into living quarters, private offices, or working areas of another person without expressed or implied permission of that person or of an authorized University official; or invasion of the privacy of records, data, or communications belonging to individuals, to the University, or to others.

Violators of these policies are subject to disciplinary action, which may result in suspension or termination. Contractors, visitors and community members are subject to ejection and criminal charges, as well as banishment from University property.

## **Reporting Procedures**

### **Procedures for students or others to report criminal actions or other emergencies occurring on campus.**

The University encourages the accurate and prompt reporting of all crimes or other emergencies to Campus Safety and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. By working together, the campus community and Campus Safety can reduce crime on campus. Reporting can also ensure the prompt issuance of Timely Warnings and the accurate collection of crime statistics for the annual statistical disclosure. Members of the campus community may report

criminal activities or other emergencies in several different ways. While we encourage all campus community members to promptly report all crimes and other emergencies directly to Campus Safety, we recognize that some may prefer to report to other individuals or campus offices. Students and employees may report criminal offenses to:

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|--|---|---|
| <p><b>Campus Safety</b><br/>Voller Athletic Center Room 270<br/><b>585-594-7777</b><br/><i>security@roberts.edu</i></p>                  | <p><b>Title IX Coordinator</b><br/>Golisano Community<br/>Engagement Center Room 211<br/><b>585-594-6408</b><br/><i>Slater_Ian@roberts.edu</i></p>      | <p><b>Dean of Students</b><br/>Golisano Community<br/>Engagement Center Room 212<br/><b>585-594-6096</b><br/><i>Lee_Katelyn@roberts.edu</i></p> |
| <p><b>Senior Woman Administrator</b><br/>Voller Athletic Center Room 117<br/><b>585-594-6189</b><br/><i>Alao_Obafemi@roberts.edu</i></p> | <p><b>Human Resources Employee<br/>Experience Manager</b><br/>Rinker Community Center<br/><b>585-593-6853</b><br/><i>Simmons_Pamela@roberts.edu</i></p> | <p><b>Local Law Enforcement</b><br/><i>Town of Ogden Police</i><br/><i>Monroe County Sheriff</i><br/><b>911</b></p>                             |

### Reporting to Local Law Enforcement

A person reporting a crime to Campus Safety has the right to report the crime to local law enforcement by calling 911. Campus Safety Officer’s regularly offer this option with the victim of a crime and will assist the victim with that process. A victim/reporting persons request for contacting law enforcement will not be denied.

### Voluntary Anonymous Crime Reporting

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may want to consider making a voluntary anonymous report. A Campus Safety Officer can file a report on the details of the incident without revealing the victim’s identity. The purpose of a voluntary anonymous report is to maintain privacy, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential dangers. Reports may be received verbally or in writing and filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of domestic violence, dating violence, sexual assault and stalking are made available to the University Title IX Coordinator.

### Hawkwatch

Hawkwatch is a communication app used to contact Campus Safety via a phone app that can be downloaded from the Campus Safety website. The preferred method to contact Campus Safety is always by phone at 585-594-7777. The Hawkwatch app can be used to request a report, to notify Campus Safety of a dangerous situation or problem, or text Campus Safety a non-conspicuous message or concern. A pop up will always give you the option to allow and control whether you would like your location visible to Campus Safety or remain anonymous. All students, faculty and staff may download the app on their phone.

## Emergency Blue Light Phones

12 emergency blue light phones are located on campus. Once activated, these phones will put you in direct contact with a Campus Safety Officer. The emergency blue light phones are located as follows:

- Cultural Life Center lower entrance
- Carpenter Hall south entrance
- Smith Hall first floor entrance
- Voller Athletic Center lower entrance
- Voller Athletic Center upper entrance
- Hastings upper entrance
- Beeson Hall center entrance
- South Commons entrance
- Miner Hall entrance
- Davison Hall entrance
- Stadium Field House
- Mohnkern Hall parking lot side



## Response to a Reported Crime

Campus Safety personnel are trained to receive, document and investigate all crime reported. A Campus Safety officer will work with individuals reporting a crime to obtain information and evidence, identify potential witnesses and conduct a thorough investigation in an effort to identify the responsible party.

## Emergency Notifications, Response and Evacuation Procedures

Your safety is important to us. We want to be able to inform you of campus emergencies. All students, faculty and staff are encouraged to sign up for “Roberts Alert” each semester. To register for campus emergency notifications, register your mobile telephone number on the Emergency Contacts page. On the Intranet under “RWU Links” click on “Emergency Contacts.” Follow the instructions and complete the emergency contact information. This is the primary method for the campus to keep you informed of any emergency on the main campus. During any emergency situation which requires notifications on campus, you will receive an urgent Security message from 585-594-6000.

If you become aware of an emergency on campus, immediately contact Campus Safety at 585-594-7777.

The University has procedures in place that will be used to 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 employees occurring on campus.

Campus Safety officers are on duty twenty four hours a day, seven days a week, including holidays. Campus Safety will be the first to respond to and confirm any significant emergency or dangerous situation on campus. Depending on the severity of the situation, the Director of Campus Safety would be notified immediately (if the Director is unavailable, the responsibility would fall to the highest-ranking supervisor available as established by the Campus Safety Chain of Command).



Upon confirmation of a significant emergency or dangerous situation, external resources may be called upon for assistance. The University partners with two local police agencies (Monroe County Sheriff's Office and Ogden Police Department) for any criminal, health or safety issues exceeding the limitations of a Campus Safety officer. The University also partners with two fire agencies (Chili and Spencerport Fire Departments) for situations requiring their assistance. The location of the incident on campus would mandate which fire service and police agency responds.

The Roberts Wesleyan University Emergency Response Team (ERT) may also be contacted to respond. Should outside police or fire authorities be summoned to campus, Campus Safety will work to assist these agencies. The ERT will stay in communication with Campus Safety and these authorities and keep students and staff updated regarding the situation.

The Director of Campus Safety, working with the Vice President of Operations & Business Development, will determine whether to initiate the notification system, the content of the notification and to what segment of the campus population should be notified. Depending on the situation, a small segment of the campus community may be notified (for example, an incident involving only residential students) or the entire campus community may be notified when there is at least the potential that a very large segment of the community will be affected by the situation or when a situation threatens the operation of the campus as a whole. As the situation progresses, Campus Safety will continue to assess the circumstances and may notify additional segments of the campus community if it is warranted.

Regardless of the situation, the University shall, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise the efforts to assist a victim or to contain, respond or otherwise mitigate the emergency.

The University's mass notification via the Roberts Alert system uses individuals' phone numbers through a voluntary sign up. A campus-wide E-mail distribution list has also been established to notify students and staff of situations and directions they need to follow. These communications are available via email, text, or phone; therefore, there is some delay to the actual contact.

Campus Safety also utilizes an Emergency Alert Air Horn. The air horn shall be used to advise the campus community that the campus is going into lockout/lockdown. The air horn may be used to advise of other impending emergencies (i.e.; weather related) only if preceded by a Roberts Alert.

The University may also utilize the University's public relations team to share this information with the local media to assist with informing the public. Procedures are in place to notify local television and radio stations of any emergency announcement.

After a Roberts Alert has been issued, follow-up to the initial Roberts Alert may be issued as needed, typically by text message and email unless circumstances warrant other forms of communication as detailed above.

Lockdown/ lockout drills are conducted annually. Prior to the drill, at least (2) emails are sent to all faculty and staff publicizing the drill and specific procedures faculty and staff should take. After the drill, a debriefing is held with all persons who were present in each individual building at the time of the drill.



A drill involving the ERT is also conducted at least annually. These drills may consist of table top exercises and/or real time events. ERT members are notified in advance of the date of the drill, but not the content. A debriefing meeting with ERT members is scheduled after the drill to discuss the event.

Each semester Campus Safety performs two (2) fire drills in each dorm. Campus Safety also performs one (1) fire drill each semester and one (1) during the summer at each academic building on campus. Fire drills are timed and all occupants are expected to participate and evacuate. No prior notification is given as to the timing of the fire drills. The purpose of these drills is to familiarize occupants with evacuation procedures, the sound of the alarms, and the locations of all exits in an area. At the beginning of the fall semester, Campus Safety instructs Residence Life Staff on floor and fire exit evacuation, how to report a fire alarm activation in their residence halls and awareness of the unannounced drills. This information is shared with residents by Residence Life Staff.

Campus Safety conducts an annual test of the Emergency Alert Air Horn. Students and staff are notified in advance via email. Letters are sent to community members residing in the vicinity of the campus specifying the time, date and duration of the test. Local municipalities as well as local law enforcement agencies are advised as well.

Documentation is kept for each drill as well as a description of the exercise, the date, time and whether it was announced or unannounced.

In the event a building evacuation becomes necessary for the health and safety of visitors, students, faculty and staff, Campus Safety Officers will direct all occupants to the closest available stairway or exit, while keeping occupants calm and orderly. Elevators will not be used. When evacuating, all interior spaces will be checked. In the event that special equipment is needed for the evacuation of disabled person(s), 911 shall be contacted and the fire department will be requested to assist. During the incident, after the building is clear, Campus Safety officers will ensure that no one re-enters the building except emergency crews. If inclement weather conditions exist, arrangements shall be made to move the evacuated persons to an alternate site away from the potential danger zone that will provide shelter while the event is being addressed.

Memorandums of Understanding are in place with a local school district to be used as an alternate shelter site if necessary.

## **Timely Warnings**

Timely Warnings are required to be issued for *Clery Reportable* crimes occurring on campus, as defined by the Clery geography classifications and are reported to Campus Security Authorities or local law enforcement and considered by the University to represent a serious or continuing threat to students and employees. The intent of the Timely Warning regarding criminal incidents is to enable people to protect themselves and aid in the prevention of similar occurrences. Names of victims are confidential and will be withheld from a Timely Warning.

Students, faculty, staff, and visitors are encouraged to report all crimes and public safety-related incidents to Campus Safety to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. In the event of a serious incident which may pose an on-going threat to members of the University community, a Timely Warning in the form of a

Security Alert is sent to all affected students and employees on campus. The alerts are generally written and distributed to the campus community by the Director of Campus Safety.

Alerts and updates to the University community about any particular case may be distributed via blast email or text message, and posted on the Roberts Wesleyan University website. Security Alert posters may also be posted by Campus Safety in campus buildings when deemed necessary. When Security Alerts are posted in campus buildings, they are posted in the lobby/entrance area of affected building(s) for at least seven days.

The issuance of a Timely Warning will be decided on a case by case basis. Factors to be taken into consideration are the nature of the crime, whether there is a continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

The University is not required to issue a Timely Warning with respect to crimes reported to the Wellness Center Counselors or Campus Pastor.

## **Campus Security and Access**

### **Main Campus**

During business hours, the University (excluding residence halls) will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to the University facilities is by key, if issued, or by swipe card. Contractors are required to sign in to the Campus Safety Office where they are issued temporary identification cards. Campus Safety routinely patrol these areas. Campus Safety offers Safety Transports to students and staff. Cameras are in place to enhance security efforts.

### **Non-Campus Location**

The Jefferson Road location is secured 24 hours a day and is accessible by swipe card only. A Campus Safety officer is on site while classes are in session.

### **Residence Halls**

Residence halls are secured 24 hours a day. Some residence halls are accessed by key only and others by swipe card only. Campus Safety routinely checks residence halls to ensure they are secure at all times.

### **Security Maintenance**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Safety regularly patrols the main campus and reports malfunctioning lights and other unsafe conditions to facilities management for repair. Other members of the campus should promptly report maintenance problems to Campus Safety or Facilities Management.

## **Definition of Geography**

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

Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**Non-Campus Building or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

**Local Law Enforcement and Fire Department Jurisdiction:** The physical property of Roberts Wesleyan University is located in both the Town of Ogden and the Town of Chili. Westside Drive, a public street that runs through the middle of campus is the town line. The north side of Westside Drive is the Town of Ogden and is the jurisdiction of the Town of Ogden Police Department and the Spencerport Fire Department. The south side of Westside Drive is the Town of Chili and is the jurisdiction of the Monroe County Sheriff's Office and the Chili Fire Department.

## Definition of Categories

### Definitions from the Summary Reporting System (SRS) User Manual from the Federal Bureau of Investigation's Uniform Crime Reporting Program

**Murder and Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

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

**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.

**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.

**Burglary:** The unlawful entry of a structure to commit a felony or theft.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**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 and personal property of another, etc.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Definitions from the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines Edition of the Uniform Crime Reporting Program**

**Sexual Assault (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. This offense includes the rape of both males and females.

**Fondling:** The touching of 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 statutory age of consent.

**Definitions from the Federal Bureau of Investigation's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

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

### **Definitions of Domestic Violence, Dating Violence, and Stalking from the Violence Against Women Act of 1994 (VAWA)**

**Domestic Violence** - a felony or misdemeanor crime of violence committed-

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

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

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

For the purposes of this definition-

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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

**Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

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

For the purposes of this definition-

- **Course of conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

**Sexual Assault-** is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the Federal Bureau of Investigation’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines Edition of the Uniform Crime Reporting Program.

### **New York State Penal Law Definitions**

The Violence Against Women Act (VAWA) and its proposed regulations require the inclusion of certain New York State definitions in the Annual Security Report.

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

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

- Family or household member- Person’s related by consanguinity or affinity; Persons legally married to one another; Person’s formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

- Parent- means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**Sexual Assault-** New York State does not specifically define "Sexual Assault".

**Sex offenses under Article 130 of the New York State Penal Law**

- 130.20 Sexual misconduct.
- 130.25 Rape in the third degree.
- 130.30 Rape in the second degree.
- 130.35 Rape in the first degree.
- 130.40 Criminal sexual act in the third degree.
- 130.45 Criminal sexual act in the second degree.
- 130.50 Criminal sexual act in the first degree.
- 130.52 Forcible touching.
- 130.53 Persistent sexual abuse.
- 130.55 Sexual abuse in the third degree.
- 130.60 Sexual abuse in the second degree.
- 130.65 Sexual abuse in the first degree.
- 130.65-a Aggravated sexual abuse in the fourth degree.
- 130.66 Aggravated sexual abuse in the third degree.
- 130.67 Aggravated sexual abuse in the second degree.
- 130.70 Aggravated sexual abuse in the first degree.
- 130.75 Course of sexual conduct against a child in the first degree.
- 130.80 Course of sexual conduct against a child in the second degree.
- 130.85 Female genital mutilation.
- 130.90 Facilitating a sex offense with a controlled substance.
- 130.91 Sexually motivated felony.
- 130.95 Predatory sexual assault.
- 130.96 Predatory sexual assault against a child.

**Stalking-**

Stalking in the fourth degree- When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the third degree- When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted;



or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the second degree- When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the first degree- When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

## **Unfounded Crimes**

A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

## **Hate Crimes**

The University strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the university community. A Hate Crime is defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery reporting, Bias is defined as a performed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin. Hate Crimes include any of the following offenses that are motivated by Bias: Murder and Non-negligent Murder, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism of Property.

## Crime Statistics

The information below provides context for the crime statistics reported as part of compliance with the Clery Act.

The statistics in this report are published in accordance with the standards and guidelines used by the Federal Bureau of Investigations Uniform Crime Reporting Handbook and relevant federal law. Campus Safety submits the annual crime statistics published in this report to the United States Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. In addition, a Daily Crime Log is available for review at the Campus Safety office, located in Room 270 of the Voller Athletic Center. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the campus community is obtained by requesting the required information on an annual basis from the following sources:

### On Campus and public property:

Monroe County Sheriff's Office, Town of Ogden Police Department, New York State Police.

### Non-Campus:

**New York State Agencies:** New York State Park Police, Suffolk County Police, Lynbrook Police, Gates Police, Greece Police, Monroe County Sheriff, New York State Police, University of Rochester Public Safety, Rochester Police, Rochester General Hospital Security, Brockport Police, Wayne County Sheriff, Greenburgh Police, Ramsey Police, St. Joseph's College of Nursing Security, Geneva Police.

**Out of State Agencies:** St. Lucie County Sheriff Florida, Stark County Sheriff Ohio, Osceola County Sheriff Florida, Linden Police New Jersey, Port Huron Police Michigan, Jefferson Town Police Kentucky, Ottawa County Sheriff Michigan, City of Erie Police Pennsylvania, Pennsylvania State Police, Joplin Police Missouri, Tempe Police Arizona, Hickory Police North Carolina, Uwchlan Township Police Pennsylvania, North Brunswick Police New Jersey, Romeo Police Illinois, Lexington County Sheriff South Carolina,

For statistical purposes, crime statistics reported by any of these sources are recorded in the calendar year the crime was reported.

Under Title IX, all faculty and staff (excluding Wellness Center Counselors and the Pastors Office) are mandatory reporters and therefore are not considered a confidential resource. Mandatory reporters will discretely share any information regarding sexual misconduct to the Title IX Coordinator or Campus Safety.

A request for statistical information is made on an annual basis to other non-police officials who include, but is not limited to campus deans, resident directors, and department heads, residence life staff, athletic coaches and counselors.

Roberts Wesleyan University does not have any officially recognized student organizations with non-campus locations.

**The following agencies did not respond to our request for statistics:** Unity Hospital Security, Highland Hospital Security, Unity at St. Mary's Security, Delaware State Police.

## **Crime Prevention/Safety Awareness**

Crime prevention is the responsibility of all members of the Roberts Wesleyan University community.

A Security Committee, chaired by the Director of Campus Safety, meets to review and appropriately respond to issues involving personal safety of students. The committee is made up of the Director of the Wellness Center, Student Services, Resident Directors as well as faculty and student representatives. The Security Committee refers recommendations to the University President.

A Safety Team, made up of various University Department Heads was created to lead in safety initiatives to enable the University to achieve its vision as a safe and secure campus for students, employees, and visitors and to lead safety compliance efforts, such as OSHA requirements. Recommendations are forwarded to the President's Cabinet.

In the fall semester incoming undergraduate students are made aware of campus security procedures and practices during new student orientation and residence hall floor meetings. An orientation is held in the spring semester for new students and transfer students. At the beginning of the fall semester, all students are required to view an evidence based online prevention and intervention course through *3<sup>rd</sup> Millennium Classrooms*.

Members of the campus community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to Campus Safety immediately.
- Program the Campus Safety number into your cell phone: (585)594-7777
- Try to avoid walking alone at night. Travel with friends or contact Campus Safety for a ride if you are on campus.
- Always lock your residence hall dorm rooms, whether or not you are there.
- Keep windows closed and locked when you are not there.
- Do not prop exterior doors open to residence halls or other protected locations.
- Be aware of surroundings. Instead of texting or looking down at the ground, watch the cars and people around you.
- Never leave valuables unattended.
- Carry your keys and RWU ID card at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave owner recognized numbers on items of value.
- Inventory your personal property and insure it appropriately with insurance coverage.

## **Alcohol and Drug Policies**

The University has established policies in an effort to ensure the most positive learning environment for all students. General personnel policies for University employees prohibit the possession or use of

alcoholic beverages, marijuana, tobacco or illegal drugs on University premises. Sanctions for employees will be in accordance with relevant provisions of the University's Policy Manual and Faculty Handbook and are a condition of employment. The University Student Handbooks prohibit the possession or consumption of alcohol, the possession, sale, use, or distribution of any narcotic, drug, marijuana, or other addictive hallucinogenic substances (except as prescribed by a physician), or the use or possession of any tobacco product. Possible sanctions include Disciplinary Probation, Suspension, or Expulsion. Compliance with violations of state laws relating to underage drinking and federal and state drug laws may also be reported to local law enforcement.

Faculty, staff, visitors, students and their guests are prohibited from engaging in the following:

- Use, sale or possession of illegal drugs, controlled substances, or other substances that significantly alter one's physical and/or mental state as well as any violation of State or Federal Law.
- Use, sale or possession of a controlled substance without a valid prescription; use of a controlled substance in a manner other than prescribed; abuse of prescription or over-the-counter products as well as any violation of State or Federal Law.
- Use, sale or possession of drug paraphernalia or other items that have been or can be used to smoke or ingest illegal drugs, controlled substances, or other substances that significantly alter one's physical and/or mental state (i.e., pipes, hookahs, bowls, bongs) as well as any violation of State or Federal Law.
- The use, sale, possession or consumption of alcohol as well as any violation of State or Federal Law, including underage drinking laws.
- The use, sale or possession or consumption of marijuana as well as any violation of State or Federal Law.
- The use, sale or possession of tobacco products, including cigarettes, e-cigarettes, cigars, chewing tobacco or snuff.

The University's alcohol and drug policies are shared with resident students during Residence Hall meetings as well as New Student Orientation. Student athletes annually attend a mandatory NCAA Athletics Title IX / Drug & Alcohol Education / Safety Meeting. Students may seek information on drug and alcohol abuse counseling and/or education programs from the University's Wellness Center. Students seeking this help are referred to agencies such as Rochester Regional Chemical Dependency and Strong Recovery.

Rochester Regional Chemical Dependency provides the most comprehensive and personalized treatment services in Western New York for adolescents, adults, older adults and their families. Highly specialized outpatient programs, inpatient rehabilitation and residential programs help clients and their families recover from addiction and get their lives back. The program will also work closely with families to help them learn how to support the recovery of their loved ones.

Strong Recovery offers an array of treatment options within an Outpatient Dependency Service and Opioid Treatment Programs. Strong Recovery specializes in treating patients with opioid use disorders and patients with co-occurring mental illness and substance abuse disorders. Strong Recovery provides comprehensive services for methadone maintenance treatment, as well as psychiatric support services when needed.

Employees seeking assistance are allowed three paid sessions with Agape Counseling Services or Restoration Counseling Services.

## Health Risks

### Alcohol

The following information on health risks is from the Centers for Disease Control and Prevention:

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.

The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

### Marijuana

The following information on health risks is from the Centers for Disease Control and Prevention: Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain.

About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely

Refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there). Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

## **MDMA**

The following information on health risks is from the National Institute on Drug Abuse:

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for "molecular") often refers to the supposedly "pure" crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones ("bath salts") instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana.

MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors
- Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

Other health effects include: nausea, muscle cramping, involuntary teeth clenching, blurred vision, chills, and sweating.

MDMA's effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It's possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana.

High doses of MDMA can affect the body's ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

## **Prescription Opioids**

The following information on health risks is from the National Institute on Drug Abuse:

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused.

Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience.

In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing. Opioid misuse can cause slowed breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed.

People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings.

An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

## **Specific Dangers from Drug Facilitated Sexual Assault Drugs**

The following information on health risks is from the National Institute of Drug Abuse:

There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid).

### **Rohypnol®**

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term



health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgement; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heartrate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36-72 hours to leave the body.

### **GHB (Gamma Hydroxybutyric Acid)**

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

### **Ketamine**

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory.

If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

## **Federal and State Laws**

| <b>Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</b>             |                                       |                       |  |                       |
|---|---------------------------------------|-----------------------|--|-----------------------|
| <i>Available at: Title 21 Code of Federal Regulations Part 1308- Schedules of Controlled Substances</i> |                                       |                       |  |                       |
| <b>Schedule</b>   | <b>Substance/Quantity</b>             | <b>Penalty</b>        | <b>Substance/Quantity</b>              | <b>Penalty</b>        |
| <b>II</b>   | Cocaine<br>500-4,999 grams<br>mixture | <b>First Offense:</b> | Cocaine<br>5 kilograms or more mixture | <b>First Offense:</b> |

|           |  |  |   |  |
|-----------|--|--|---|--|
| <b>II</b> | Cocaine Base<br>28-279 grams mixture                       | <p>Not less than 5 yrs. And not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. Or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b></p> <p>Not less than 10 yrs. And not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p> | Cocaine Base<br>280 grams or more mixture                             | <p>Not less than 10 yrs. And not more than life. If death or serious bodily injury, not less than 20 yrs. Or more than life. Fine of not more than \$10 million if an individual, #50 million of not an individual.</p> <p><b>Second offense:</b></p> <p>Not less than 20 yrs. And not more than life. If death or injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if not an individual.</p> |
| <b>IV</b> | Fentanyl<br>40-399 grams mixture                           |  | Fentanyl<br>400 grams or more mixture                                 |  |
| <b>I</b>  | Fentanyl Analogue<br>10-99 grams mixture                   |  | Fentanyl Analogue<br>100 grams or more mixture                        |  |
| <b>I</b>  | Heroin<br>100-999 grams mixture                            |  | Heroin<br>1 kilogram or more mixture                                  |  |
| <b>I</b>  | LSD<br>1-9 grams mixture                                   |  | LSD<br>10 grams or more mixture                                       |  |
| <b>II</b> | Methamphetamine<br>5-49 grams pure or 50-499 grams mixture |  | Methamphetamine<br>50 grams or more pure or 500 grams or more mixture |  |
| <b>II</b> | PCP<br>10-99 grams pure or 100-999 grams mixture           |  | PCP<br>100 grams or more pure or 1 kilogram or more mixture           |  |

### Summary of Federal Marijuana Law

Available at: Title 21 Code of Federal Regulations Part 1308.11- Schedules of Controlled Substances

| Substance/Schedule              | Quantity  | 1 <sup>st</sup> Offense   | 2 <sup>nd</sup> Offense  |
|---------------------------------|---|---|--|
| <b>Marijuana (Schedule I)</b>   | 1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants   | Not less than 10 yrs. Or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million of other than an individual. | Not less than 20 yrs. Or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| <b>Marijuana (Schedule I)</b>   | 100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants  | Not less than 5 yrs. Or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. Or more than life. Fine not more than \$5 million of an individual, \$25 million of other than an individual.  | Not less than 10 yrs. Or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million of other than an individual. |
| <b>Marijuana (Schedule I)</b>   | More than 10 kgs hashish; 50 to 99 kg marijuana mixture<br>More than 1 kg of hashish oil; 50 to 99 marijuana plants                 | Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. Or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.                                     | Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.                                   |
| <b>Marijuana (Schedule I)</b>   | Less than 50 kgs marijuana (but does not include 50 or more marijuana plants regardless of weight)<br><br>1 to 49 marijuana plants; | Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.   | Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.  |
| <b>Hashish (Schedule I)</b>     | 10 kg or less   |   |  |
| <b>Hashish Oil (Schedule I)</b> | 1 kg or less  |   |  |

| NY State Laws  | Law  | Penalty   |
|----------------|--|---|
| <b>Alcohol</b> | It is illegal for anyone under the age of 21 to purchase or possess any alcoholic beverage with the intent to consume it.  | A fine of up to \$50. and /or completion of a court ordered awareness program, and up to 36 hours of community service, may be imposed for each violation.  |
|                | It is illegal for anyone under the age of 21 to present false evidence of age to purchase alcoholic beverages.             | A fine of up to \$100, up to a year's probation, completion of a court ordered alcohol awareness program, up to 36 hours community service, and, if a driver's license is used, suspension of the license. Possession of a false ID may result in a forgery charge. |
|                | It is illegal to sell or give away alcoholic beverages to a person who is actually or apparently, under 21 or intoxicated. | Punishable as a misdemeanor.  |
|                | Driving while Intoxicated.   | Driving while intoxicated is a criminal offense which may result in a fine, license revocation and imprisonment.  |
|                | Driving while intoxicated under the age of 21.   | Under the Zero Tolerance Law, it is illegal for a person under twenty-one, with a blood alcohol content of 0.02 to 0.07, to operate a motor vehicle.  |

|                      |   |   |
|----------------------|---|---|
|                      | Driving while intoxicated and causing another person's death or injury in a crash.                        | May be charged with vehicular manslaughter or vehicular assault.  |
|                      | If a person is injured by someone who is intoxicated.   | That person could have the right to recover damages against the person who unlawfully caused or contributed to such intoxication. |
| <b>Illicit Drugs</b> | Knowingly and unlawfully possessing more than 3 ounces of cannabis or 24 grams of concentrated cannabis.  | Up to a \$125 fine.   |
|                      | Knowingly and unlawfully possessing more than 16 ounces of cannabis or 5 ounces of concentrated cannabis. | Class A misdemeanor.  |
|                      | Unlawful possession of small amounts of a controlled substance (e.g. LSD, PCP, cocaine, narcotics)        | A Class A misdemeanor and may result in a \$1,000 fine or up to one year in jail.   |
|                      | Violations of all other possession and sale laws involving controlled substances.                         | Considered felonies. In some cases, conviction may result in punishments up to life in prison.                                    |

This summary is intended only to be a general overview of state laws regarding the possession, use and distribution of illicit drugs and alcohol. State and federal laws are subject to change. Consult an attorney or conduct your own research to verify current state and federal law.

### **The Marijuana Regulation & Taxation Act (MRTA)**

The MRTA legalizes cannabis for adults 21 years of age or older. The Office of Cannabis Management will license cultivators, processors, distributors and dispensaries to grow and sell cannabis in New York. Like for alcohol, only adults 21 years or older may possess and use adult use cannabis. Adults over 21 can possess up to 3 ounces of cannabis and 24 grams of concentrated cannabis. Adults may possess up to five pounds of cannabis at their personal residence or grounds. Cannabis cannot be consumed when operating a motor vehicle. The smoking of cannabis is prohibited anywhere smoking tobacco is prohibited. Growing cannabis at home for personal use is not permitted under the law.

### **New York State's Medical Marijuana Program**

New York State's Medical Marijuana Program allows patients who suffer from specific serious conditions who also have a condition clinically associated with, or a complication of, the serious condition to be certified by a practitioner to receive medical marijuana products for medical use. Practitioners must complete a New York State Department of Health (Department) approved course and register with the Department to certify patients. Practitioners must consult the New York State Prescription Monitoring Program Registry prior to issuing a certification to a patient for medical marijuana. Patients who are certified by their practitioners must apply to the Department to obtain a registry identification card. Certified patients and designated caregivers who have been issued a registry identification card may visit one of the registered organizations' dispensing facilities in New York State to purchase approved medical marijuana products.

### **Treatment Programs**

Alcohol and Drug counseling, treatment and rehabilitation programs are available to faculty, staff and students through a variety of off campus resources. Some of these services and programs are without charge; others are covered by insurance or based on ability to pay.

|  |              |
|--|--------------|
| Alcoholics Anonymous Service Center              | 585.232.6720 |
| Narcotics Anonymous Hotline                      | 585.235.7889 |
| National Council on Alcoholism & Drug Dependence | 585.426.8000 |
| Unity Chemical Dependency                        | 585.723.7723 |
| NYS Office of Addiction Services and Supports    | 877.846.7369 |

## **Drug-Free Schools and Campuses Regulations (DFSCR)**

The *DFSCR* requires that all colleges and universities that receive Title IV (and other certain education) funds:

- Distribute a written notice with the required alcohol and other drugs (AOD) related information to all students and employees; and
- Conduct a biennial (every other year) review of the institution's AOD prevention program.

The biennial review is available upon request to the University's Title IX office.

## **Firearms and Weapons Policies**

The University is committed to maintaining a safe and secure environment that supports the academic mission of the University. Accordingly, the Student Code of Conduct prohibits the possession or use of firearms, explosives, dangerous chemicals or other weapons on campus.

New York State Penal Law prohibits the possession of a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution other than by duly sworn law enforcement officers.

## **Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The University prohibits the crime of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. Toward that end, the University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

The University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by the University as well as federal law whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex-based discrimination, the University wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights and the University's responsibilities.

As a complainant, you will receive a written explanation of your rights and options. The University has procedures in place that serve to be sensitive to those who make a report. These procedures are outlined below and include information on your right to file criminal charges as well as the availability of medical, counseling and support services. The institution offers additional remedies to prevent contact between a complainant and an accused party, such as temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available. These procedures also address possible

sanctions and interim and/or long-term protective measures that the University may impose following a report through the final determination of the institutions grievance process.

**Title IX Coordinator:** The University's Title IX Coordinator is the Vice President for Student Experience who can be reached by calling 585.594.6408 or by email at [Slater\\_Ian@roberts.edu](mailto:Slater_Ian@roberts.edu). The Title IX Coordinator is:

- responsible for intake of complaints or allegations;
- oversight of the investigation and resolution of all reports of sexual harassment, sexual assault and sexual discrimination;
- knowledgeable and trained in relevant state and federal laws and the University's policies and procedures;
- available to advise any individual, including a Reporting Individual, a Respondent, or a third party, about the courses of action available at the University, both informally and formally, and the courses of action available externally, including reports to law enforcement;
- available to provide assistance to any University community member regarding how to respond appropriately to reports of sexual assault, sexual harassment and sexual discrimination;
- responsible for communicating complaints and outcomes with the Title IX Administrator.
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- ensuring required reports are compiled.

Conduct in violation of New York State Education Law 129B "Enough is Enough" will be handled under the University's **Sexual Misconduct Policy** #108. Policy #108 shall apply regardless of whether the violation occurs on campus, off campus, or while studying abroad.

Conduct in violation of Title IX of the Education Amendments Act of 1972 will be handled under the University's **Title IX Sex Discrimination Policy** #120. Title IX Sex Discrimination is defined as conduct, on the basis of sex, that occurs within the University's Education Program or Activity, within the United States, and involves a University employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (Quid Pro Quo); unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or activity (hostile environment); sexual assault, dating violence, domestic violence and stalking.

**Reporting Individual** – the person who initiates the complaint. The University may act as the Reporting Individual in circumstances where the impacted individual does not wish to participate in the process.

**Complainant**- An individual who is alleged to have received conduct unbecoming and could constitute Title IX Sex Discrimination, whether or not the individual has filed a Formal Complaint.

**Respondent** – Any individual who has been alleged to have engaged in conduct that could violate this policy.

**Consent:** New York State Penal Law defines lack of consent, in relation to sexual activity, as follows: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesces in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**Affirmative Consent:** 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. The following are guidelines for evaluating the effectiveness of consent:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- 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. Individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, pressuring, force or threat of harm, or by taking advantage of the incapacitation of another individual.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- New York state law establishes that an individual less than 17 years old is incapable of consent.

## **Federal Clery Act Definitions of Awareness Programs, Bystander Intervention, Primary Prevention Programs, Risk Reduction**

*Awareness Programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

*Bystander Intervention* means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Information on Bystander Intervention can be found online at [www.roberts.edu](http://www.roberts.edu) › title-ix › resources.

*Primary Prevention Programs* means programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

*Risk Reduction* means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

### **Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.

#### **What can Bystanders do to make a difference?**

- Believe someone who tells you they have been sexually assaulted, are in an abusive relationship or are experiencing stalking or cyberstalking.
- Watch out for your friends and classmates -- if you come across someone who looks like they are in trouble, check in with them and make sure they are ok. If you see a friend doing something sketchy -- say something.
- Intervene-when you see something you are uncomfortable with involving another person, or if someone is trying to take advantage of another person, step in and take preventative action. If you need further assistance, contact Campus Safety. If off campus, contact 911.
- Speak up -- if someone says something offensive, derogatory, racist or abusive, let them know that this behavior is wrong and not acceptable. Don't laugh at racist, sexist or homophobic jokes.

#### **How to protect yourself from being a victim**

- Program the Campus Safety number (585)594-7777 into your speed dial in case of an emergency



- Be cautious and alert
- Do not walk or run alone, use the “buddy” system
- Do not give out personal information such as your phone number, or address to someone you don’t know or are newly acquainted with
- Be aware of your surroundings when you are walking across campus, to and from your vehicle, and in remote areas
- Do not meet up with someone in a remote location
- Know where the Blue Light boxes are located on campus for urgent Campus Safety assistance
- If you live on campus, do not prop residence hall entrance doors open
- Avoid using drugs or alcohol
- When you go to a social gathering, go with a group of friends.
- Don’t leave your drink unattended.
- Don’t accept drinks that are already open, or from people you don’t know or trust.
- Watch out for friends and vice versa.
- If you suspect a friend has been drugged, contact Campus Safety. If off campus, contact law enforcement by calling 911.

### **Education and Training to prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual relationship, institutional, community and societal levels.

#### For Students:

Annual education for students is provided related to domestic violence, dating violence, sexual assault and stalking. Primary topics covered include, but are not limited to:

- A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act and New York State Law.
- Understanding Title IX, including all aspects of rights, expectations, and behavior standards
- Key points of the Violence Against Women Act.
- Existence of Office for Civil Rights of the Department of Education (OCR) and OCR’s authority to enforce Title IX.
- Information about the University’s policy and process, including how to report incidents of domestic violence, dating violence, sexual assault and stalking and the complaint resolution options.
- Non-retaliation policy.
- Bystander intervention. Information on Bystander Intervention can be found online at [www.roberts.edu](http://www.roberts.edu) › title-ix › resources.
- Information on risk reduction.

- Support resources – both on and off campus.

This information is sent via email to all students annually. In-person training is provided for Resident Assistants, resident students and all athletes. Undergraduate, graduate, non-traditional and commuter students receive information about this policy via an annual email. Information shared at “Take Back the Night” events.

#### For Faculty and Staff:

Information is provided to faculty and staff on the topics above via email and annual trainings. Faculty and staff also receive instruction during the new hire orientation process. In addition, athletic coaches, resident directors, and resident assistants receive training on this Policy, including options for reporting domestic violence, dating violence, sexual assault and stalking, support resources, and the process and procedure established in this Policy.

#### For Title IX Investigators/Administrators and Individuals Involved in the Conduct Process, Including Appeals:

Individuals who are selected to participate in processing misconduct complaints pursuant to this Policy receive initial in-depth training on Title IX, this Policy, conducting investigations of sexual violence, the effects of trauma, and other issues related to sexual violence, including sexual assault, domestic violence, dating violence, and stalking. These individuals then participate in annual training, in-person and on-line, to assure competency.

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

#### **What to do if you are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

A person who experiences domestic violence, dating violence, sexual assault and stalking will have a number of options for recourse against the accused individual: to make a report on campus, to make a report to law enforcement, to do both or to do neither. First and foremost, the University wants you to get the immediate help you need by following these procedures immediately:

- Go to a safe place. Call a friend, a campus advocate, a family member or someone else you

trust and ask her or him to be with you.

- Go immediately to see medical personnel either at the University Wellness Center or a local hospital Emergency Department. An individual considering campus and/or law enforcement options against a Respondent should visit a Sexual Assault Forensic Examiner (SAFE) Nurse (also referred to as a Sexual Assault Nurse Examiner) within 96 hours of the incident. Detailed contact information for such health care providers is listed below. Completing a forensic examination would not require you file a police report, however, having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.
- Although it may be difficult following a sexual assault, individuals who are considering or may consider legal action should take certain initial steps in order to preserve the option to pursue any type of criminal charges or campus disciplinary process:
  - Do not shower, bathe, douche, or brush teeth, and save all clothing worn at the time of the assault.
  - Place each item of clothing in a separate paper bag. Do not use plastic bags.
  - Do not disturb anything in the area where the assault occurred.
- Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.
- Talk confidentially with a counselor who is trained to assist victims with the emotional and physical impacts of an assault and/or sexual harassment. See contact information for confidential on- and off-campus resources listed below.
- The University encourages victims to contact appropriate authorities as soon as that individual is prepared to make a report of the incident, including contacting:
  - Title IX Coordinator Dr. Ian Slater at 585.594.6408 or by email at [Slater\\_ian@roberts.edu](mailto:Slater_ian@roberts.edu).
  - Campus Safety by calling 585.594.7777; or on-campus extension 7777
  - Local law enforcement by dialing 911;
  - New York State Police's 24/7 hotline staffed by specially-trained responders at 1.844.845.7269

### **Preserving Evidence**

Victims of domestic violence, dating violence, sexual assault and stalking are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators or law enforcement. Photographing injuries and keeping medical records is also important in incidents where there is injury.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or University officials at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

## How to Report

Any member of the University community or any visitor or guest who feels he or she has been subjected to conduct in violation of this policy or who feels he or she has been accused of a violation of this policy should report the incident promptly to any of the following designated members of the community with whom he or she feels comfortable. A Reporting Individual/Complainant can enlist the help of any other member of faculty or staff whom he or she trusts when making a report. Except in limited circumstances, the victim has the right to decide whether to make a report on campus, to law enforcement, to do both or to do neither.

- **Title IX Coordinator** – Students and interns are strongly encouraged to report any incidents of domestic violence, dating violence, sexual assault and stalking to Dr. Ian Slater, the University’s Title IX Coordinator, who can provide assistance in addressing the incident through consultation and investigation. One can reach Dr. Slater by calling 585.594.6408, emailing [Slater\\_Ian@roberts.edu](mailto:Slater_Ian@roberts.edu) or contacting a faculty or staff member for assistance. This option remains available when the accused is an employee.
- **Campus Safety** – Roberts Wesleyan University Campus Safety officers understand the University’s policy and resources available to help and guide victims reporting domestic violence, dating violence, sexual assault and stalking. Campus Safety officers can be reached 24 hours a day by calling 585.594.7777 (or ext. 7777 from a campus phone).
- **Human Resources**- For employees, volunteers, or contractors, complaints may be made directly to the Director of Human Resources.
- **Reporting to Law Enforcement** - Call 911 or the New York State Police’s Campus Sexual Assault Unit 24/7 hotline at 1.844.845.7269. Law enforcement officers are specially trained in investigating domestic violence, dating violence, sexual assault and stalking and supporting victims. Law enforcement officers have the authority to commence a criminal investigation, which may lead to prosecution for a crime. Campus Safety maintains a close relationship with local law enforcement agencies and can assist in making contact if requested. Your request for law enforcement assistance will not be denied.

You may also choose to meet with a law enforcement officer at the nearest police station. The Ogden Police Department is located at 269 Ogden Center Road, Spencerport. The nearest Monroe County Sheriff substation is Zone C located at 2330 South Union Street, Spencerport. The nearest New York State Police station is located at 1155 Scottsville Road, Rochester. A police officer will typically ask for your identification, to give a detailed account of the incident and to provide any evidence you may have.

- **Monroe County Sheriff’s Office Victims Assistance** - The Monroe County Sheriff’s Office employs experienced and professional victim counselors, all of whom have in-depth knowledge of the Criminal Justice System and the challenges of coping with trauma. These counselors can provide initial crisis and assessment to determine the appropriate steps for long-term assistance. The Victim’s Assistance Counselor is located at the Monroe County Sheriff’s Office C-Zone substation located at 2330 South Union Street, Spencerport, or by calling 585.753.4455. Campus Safety can assist you with making contact.

- The following agencies also provide assistance to individuals who pursue criminal complaints:
  - Willow Domestic Violence Center: 585.232.5200 (<http://www.willowcenterny.org/>) – services are free
  - Monroe County District Attorney Victim/Witness Assistance Bureau: 585.753.4573 (<http://www.monroecounty.gov/da-assistance.php>) – services are free
  - Society for the Protection and Care of Children - Family Violence Program: 585.325.6101 (<http://www.spcc-roch.org/>) – services are free
  - The Legal Aid Society of Rochester, NY, Inc.: 585.232.4090 (<http://www.lasroc.org/>) – available for those who qualify based on income and county of residence

To learn more about these programs, visit the website for the New York State Office of Victim Services (<http://www.ovs.ny.gov/>), which funds local victim assistance programs, and/or the New York State Police website (<http://troopers.ny.gov/>).

These same reporting options are available for bystanders. The University strongly encourages bystanders to step up on behalf of another person’s well-being when it is safe to do so.

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

If you disclose an incident of sexual misconduct, including domestic violence, dating violence, sexual assault or stalking, through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, the University is not obligated to begin an investigation. However, the University may use the information you provide to inform the need for additional education and prevention efforts on campus and in University programs, and may provide you information about available support services and accommodations.

### **Anonymous Disclosure**

New York State Hotline for Sexual Assault and Domestic Violence: 1.800.942.6906

### **Requesting Confidentiality — How the University Will Weigh the Request and Respond**

If the Title IX Coordinator receives a report of an act covered by this Policy, but the individual impacted requests confidentiality or otherwise asks that an investigation not be pursued, the Title IX Coordinator will make every effort to balance this request with the University’s commitment and obligation to provide a safe and non-discriminatory environment for all members of the community. Honoring such a request may limit the University’s ability to conduct a thorough investigation and take appropriate disciplinary action. Accordingly, the Title IX Coordinator will consider many factors when determining whether or not the University can honor the request for confidentiality, including but not limited to whether:

- the alleged perpetrator has a history of violent behavior or is a repeat offender;
- the information provided suggests an increased risk that the alleged perpetrator will commit additional acts;
- the alleged perpetrator used a weapon or force;
- the incident was committed by multiple perpetrators;
- the incident represents escalation, such as a situation that previously involved sustained stalking;
- the information provided suggests that the act is part of a larger pattern at a specific location

- or by a particular group;
- the individual impacted is a minor; and
- information can be obtained by means other than from the impacted individual (e.g., by personal or security cameras, witnesses, or through physical evidence).

The University may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the University determines that its failure to act may result in harm to you or other members of the University community. If we determine that an investigation is required, we will notify you and take immediate action to assist you, including academic, housing, transportation, employment, and other reasonable and available accommodations regardless of any other choices you make regarding internal or external processes. The Title IX Coordinator can help you evaluate and implement any such accommodations.

In addition, to the extent possible, the University will only share information with people responsible for handling the University's response. In appropriate cases, the course of action may include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Reporting Individual. This could include proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, sexual assault and stalking in a general way that does not identify you or the situation you disclosed.

### **Confidentiality versus Privacy**

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

Campus Safety is responsible for the collection of crime statistics and ensures that personally identifying information will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Security Report and Daily Crime Log.

### **Alcohol or Drug Amnesty Clause in Reporting**

The health and safety of every student at the University is of utmost importance. The University 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. The University strongly encourages students to report 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 University officials or law enforcement will not be subject to the University'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.

## **Good Faith Reporting and False Allegations**

Lack of corroborating evidence should not discourage individuals from filing a complaint. Because of the nature of discrimination (including allegations of sexual and other forms of harassment), allegations often cannot be substantiated by direct evidence other than the Reporting Individual's own statement. No action will be taken against an individual who makes a good faith allegation even if, after investigating, the allegation is not substantiated. However, a person found to have made an allegation or complaint he/she knew to be false will be subject to disciplinary action.

## **Reporting Individual's Bill of Rights**

All Roberts Wesleyan University students or employees who report conduct allegedly in violation of the University's Sexual Misconduct and Title IX Compliance Policy or invoke the processes described in this Policy have the right to:

- make a report to local law enforcement and/or state police;
- have disclosure of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- participate in a process that is prompt, fair and impartial, and provides adequate notice and a meaningful opportunity to be heard;
- be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available;
- be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- be protected from retaliation by the University, any student, the accused and/or the Responding Party, and/or their friends, family, and acquaintances within the jurisdiction of the University;
- access to at least one level of appeal of a determination;
- be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused or Responding Party throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution.

## **Orders of Protection, "No Contact" Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the University**

The University complies with New York State law in recognizing orders of protections. Any person who obtains an Order of Protection from any State, County or Local court should provide a copy to Campus Safety and the Title IX Coordinator. A complainant may meet with the Director of Campus Safety to obtain information on obtaining an order of protection or restraining order. The Director of Campus Safety can also 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 or persons.



A complainant may meet with the Director of Campus Safety or the Title IX Coordinator to develop a Safety Action Plan, which is a plan for the University and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not be limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home.

### **What is an order of protection?**

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence, dating violence, sexual assault and stalking. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection.

An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. It may include, but is not limited to, directing him/her to:

- stay away from you and your children
- move out of your home
- follow custody orders
- pay child support
- not have a gun

A **Family Court order of protection** is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected.

To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories:

- Current or former spouse
- Someone with whom you have a child in common
- A family member to whom you are related by blood or marriage
- Someone with whom you have or have had an “intimate relationship.” An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a *Family Offense petition*. The person filing the petition is called the “*petitioner*,” and the person the petition is filed against is called the “*respondent*.” You can contact the Family Court in your county for help completing and filing the petition. You may also wish to speak with an attorney or domestic violence advocate before filing.

A **Criminal Court order of protection** is issued as a condition of a defendant’s release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime.

Criminal cases are prosecuted for the State of New York by the district attorney. Although the district attorney may start a criminal case before a person is arrested, a criminal case usually begins with a person’s arrest. The person charged is called a “*defendant*.” The victim is called the “*complaining witness*.” There does not need to be a relationship between the complaining witness and the defendant.



In a criminal case, the district attorney requests an order of protection for the victim or complaining witness. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

An order of protection may only be served by a court or sworn law enforcement officer. Upon receipt of the order of protection, the accused will receive an explanation of the consequences for violating these orders, including but not limited to arrest and additional criminal charges. If a violation of an order of protection occurs, Campus Safety will assist the reporting person in contacting law enforcement and will assist law enforcement in effecting an arrest.

The University may issue an institutional no contact order if deemed appropriate. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

### **Victim Resources**

The University's first priority when alleged domestic violence, dating violence, sexual assault and stalking occurs is to provide safety and solace for victims, which may include medical treatment, counseling, academic accommodations, and interim measures. All victims of domestic violence, dating violence, sexual assault and stalking have the right to determine whether or not they wish to formally file a report with the University or law enforcement. The University strongly encourages individuals who are considering whether to make a formal report to seek out one of the confidential resources on or off campus in order to have a safe and confidential venue to discuss options.

In general, the Wellness Center Counselors and Campus Pastor are confidential reporters who are not required to report incidents of domestic violence, dating violence, sexual assault and stalking. Their responsibility is to provide victim assistance. The University's confidential reporters are instructed annually to share with persons they are counseling about their primary role, which is to provide confidential support for victims. Each confidential reporter is to inform the person they are meeting with about the option of reporting the crime on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. If a person does not want to provide a confidential report to a mandatory reporter, the confidential reporter will provide an anonymous report of the reported crime to Campus Safety for inclusion in the crime statistics. All other campus faculty and staff are considered responsible employees who are required to report sexual harassment and misconduct, including domestic violence, dating violence, sexual assault and stalking, of which they become aware to the Title IX Coordinator or Campus Safety, and can assist students in reporting incidents of sexual misconduct.

### **On Campus**

#### **Counseling**

The Wellness Center, located in the upper level of the Voller Athletic Center (across from the mailroom). You can reach the Wellness Center by calling 585.594.6360 (or Campus Safety at x. 7777 or 585.594.7777). Counselors can provide confidential support for you, including informing you of common emotional reactions and discussing coping methods that may assist you immediately following the assault and later. Talking about your concerns with a counselor in a safe and supportive environment may help you sort through your feelings and decide what to do. You do not need to disclose your name if you call the

Wellness Center for information. Counselors will not reveal your identity to anyone without your permission. When classes are in session, the Wellness Center is open Monday through Friday from 8:00 a.m. to 4:00 p.m. Emergency/Crisis Walk-in is available Monday through Friday 9:00 a.m. to 3:00 p.m. During the semester there is a counselor on-call for after-hours emergencies. You can access the counselor on-call through your Resident Director or Campus Safety. The Wellness Center is closed over breaks and during the summer. Visit the website for more information: <https://www.roberts.edu/wellness-center/>

The Campus Pastor can serve as a confidential resource. You can contact the Chaplain by visiting the Campus Pastor's office, located in the Golisano Community Engagement Center room 111, or by calling 585-594-6530.

### **Timely Care**

Roberts students have FREE, 24/7 access to virtual care services with TimelyCare- the virtual health and wellness-being platform from TimelyCare, designed for college students. Students do not need insurance to access TimelyCare services. As part of Roberts partnership with TimelyCare, students have access to services including:

- MedicalNow: On-demand support for common health issues, including cold, flu, and allergies.
- TalkNow: 24/7, on-demand emotional support to talk about anything, including anxiety, relationships, depression, and school-related stressors.
- Scheduled Medical: Choose the day, time, and medical provider that best works for you.
- Scheduled Counseling: Choose the day, time, and mental health provider that best works for you. (12 visits per year)
- Health Coaching: Develop healthy lifestyle behaviors, including nutrition, sleep habits, time management, and mindfulness.
- Psychiatry: Appointments are available through referrals.
- Self-Care Content: Visit the "Explore" page within TimelyCare for guided self-care content, including yoga and meditation sessions, as well as group conversations with our providers on a variety of health and well-being topics.

Students have access to TimelyCare services 365 days a year. That means you have access during breaks, after-hours, and any time you need support! Visit [timelycare.com/roberts](https://timelycare.com/roberts) to get started.

### **Health**

The Wellness Center is located in Suite 231 of upper Voller Athletic Center. Students can reach the Wellness Center by calling 585.594.6360. Wellness Center staff can assist you with initial assessment after an incident. In fall and spring semesters, Nurse Practitioners are in the Wellness Center at various times. During the summer students may still call the Wellness Center for referrals to other health care providers and resources. Hours of availability can be found at the Wellness Center website at <https://www.roberts.edu/student-experience/health-center.aspx>

### **Visa and Immigration Assistance**

For international students, the first point of contact will be the Director of International Engagement at 585.594.6382.

## Student Financial Aid

The Office of Student Financial Services can offer assistance and information regarding student financial aid. The office is located in the Rinker Community Center or can be reached by calling 585.594.6150.

## Off Campus

### Counseling

Counselors and Advocates - Members of the University community may contact any of the following local resources for confidential support:

- Restore Sexual Assault Service's a 24 hour/day, confidential rape crisis hotline:
  - 585.546.2777 (Monroe County)
  - 800.527.1757 (Genesee, Livingston, Orleans & Wyoming Counties)
  - [https://restoresas.org/need\\_help/](https://restoresas.org/need_help/)
- Willow Domestic Violence Center's 24 hour/ day confidential hotline (585.232.7353) for victims of domestic violence. Willow offers a shelter, counseling, support groups, children's services, court advocacy, Latina services, dating violence education, and transition programs. All services are free.
- Safe Journey (585.425.1580), which serves women and children in transition from domestic violence who need individual or group counseling, advocacy or community referrals as they heal from abuse.
- The Victim Resource Center of the Finger Lakes, Inc., a private, non-profit domestic, sexual, stalking, dating violence and child abuse services agency that provides a 24 hour a day/7 day a week bilingual (Spanish/English) toll-free hotline at 866.343.8808 or 800.456.1172.

To learn more about these programs, visit the website for the New York State Office of Victim Services (<http://www.ovs.ny.gov/>), which funds local victim assistance programs.

## Health

Medical Care - Individuals who have experienced sexual violence should visit the Wellness Center, a local Emergency Department or the local medical provider of their choice for confidential emergency care, whether or not they have any intention of pursuing an on-campus complaint or complaint with local law enforcement. (Visit to a hospital, urgent care center, or other medical provider are subject to fee after insurance coverage.) An individual considering campus and/or law enforcement options against a Respondent (accused individual) should visit a Sexual Assault Forensic Examiner (SAFE) Nurse (also referred to as a Sexual Assault Nurse Examiner). SAFE Nurses provide free medical care for victims of sexual assault, and are specially trained in conducting sexual assault exams and collecting and preserving forensic evidence of the assault for possible prosecution of the assailant. Obtaining medical care or a sexual assault examination in no way binds anyone to pursue a complaint process. Options for seeking medical care include:

- proceed directly to the Emergency Department at Strong Memorial Hospital (601 Elmwood Avenue in Rochester / 585.275.4551), which has a Sexual Assault Forensic Examination (SAFE) Center; *or*

- proceed directly to the Emergency Department at Highland Hospital (1000 South Avenue in Rochester / 585.341.0725) to access a SAFE Nurse; *or*
- call 585.922.4000 to access a SAFE Nurse at Rochester General Hospital (1425 Portland Avenue in Rochester); *or*
- call Restore Sexual Assault Service’s 24 hour/day, confidential rape crisis hotline at 585.546.2777 (Monroe County) or 800.527.1757 (Genesee, Livingston, Orleans & Wyoming Counties) for assistance locating a SAFE Nurse at other area hospitals and/or to request an escort to the hospital; *or*
- call Campus Safety at 585.594.7777 or dial 7777 from a campus phone for assistance; *or*
- call 911 for an ambulance.

A medical exam conducted by a SAFE Nurse (commonly referred to as a “rape kit”) has two goals: (1) to diagnose and treat the full extent of any injury or physical effect and (2) to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, sexually transmitted infections (“STIs”); a vaginal examination; examining for injuries; and drawing blood. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Gathering such evidence does not commit an individual to pursue legal action against the assailant, but is important for preserving that option.

- If you suspect that you may have been given a rape drug, inform the hospital or clinic where you receive medical care and/or ask to provide a urine sample. Rape drugs, such as Rohypnol and GHB, are more likely to be detected in urine than in blood.

Hospitals are not required to report non-identifying information to the University or anyone else. However, hospitals providing care to individuals reporting sexual assault are required to:

- collect and maintain the chain of custody of sexual assault evidence for not less than 30 days **unless** the patient signs a statement directing the hospital not to collect it;
- advise the individual seeking medical treatment related to sexual assault of the availability of local rape crisis services or victim assistance organizations to accompany the individual through the sexual offense exam;
- contact a local rape crisis or victim assistance organization to establish the coordination of non-medical services to individuals reporting sexual assault who request such coordination and services; and
- provide emergency contraception upon the patient’s request.

Even if an individual who has experienced sexual violence does not have injuries requiring emergency attention, the University encourages that individual to seek medical care as soon as possible.

Most health care providers will encourage an individual seeking medical treatment related to a sexual assault to authorize collection of evidence. (Note: If the individual has not been seen by medical personnel at the time a report is received by the University, the individual will be immediately advised to do so. The University will provide transportation, if needed.)

Be aware that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/ survivors for health care and counseling services, including emergency compensation. More information may be found at:

[http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](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>.

Please note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### **New York 9-8-8 Suicide and Crisis Lifeline**

The 988 Suicide & Crisis Lifeline connects you to trained crisis counselors 24/7. They can help anyone thinking about suicide, struggling with substance use, experiencing a mental health crisis, or any kind of emotional distress. You can also call, text or chat 988 if you are worried about someone you care about who may need crisis support.

### **Legal Assistance**

The Legal Aid Society of Rochester, NY, Inc.: 585.232.4090 (<http://www.lasroc.org/>)

### **Visa and Immigration Assistance**

Contact the Department of Homeland Security, Immigration Customs Enforcement, Student and Exchange Visitor Program, 500 12<sup>th</sup> Street, SW Stop 5600, Washington, D.C. 20536-5600 or call the SEVP Response Center at 703.603.3400.

### **Student Financial Aid**

For information regarding financial aid, contact the Office of Postsecondary Access, Support and Success, New York State Education Department, Room 505W, Education Building, Albany, NY 12234 or by calling 518.474.3719.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### **Complaints**

The University encourages reporting of all student-related incidents of sexual misconduct to the Title IX Coordinator or any other employee or staff member, who can help you report to the Title IX Coordinator.

When the Title IX Coordinator or a Campus Official receives a complaint, the University will respond by: (A) equitably offering Supportive Measures to the Reporting Individual/Complainant and Respondent, whether or not a Formal Complaint is filed; (B) refraining from imposing upon the Respondent disciplinary sanctions or other actions that are not Supportive Measures unless and until the Respondent is found responsible for a violation of this Policy.

When a complaint is made, the university must respond and evaluate it regardless of any action being pursued by the authorities. All aggrieved persons are entitled, whether or not an individual decides to proceed with the internal process or is found responsible in the internal process, to pursue their complaint with law enforcement. The University will assist in contacting law enforcement if requested to do so.

**The Reporting Individual may withdraw their complaint or involvement in the University process at any time.**

Conduct in violation of New York State Education Law 129B “Enough is Enough” shall be handled under the Sexual Misconduct Policy #108.

Conduct in violation of Title IX of the Education Amendments Act of 1972 shall be handled under the University’s Title IX Sex Discrimination Policy #120.

For sexual harassment/misconduct incidents not involving students, complaints may be handled under the Sexual Harassment Prevention Policy, Administrative Policy #109.

If the misconduct falls within the definition of Sexual Discrimination under Title IX, and a complainant requests an investigation, the University must follow the procedures set forth in the Title IX Sex Discrimination Policy.

The same conduct may fall within the Title IX Sex Discrimination Policy and the Sexual Misconduct Policy. If that occurs, only the Title IX Sex Discrimination Policy procedures will be followed. The University will conduct one investigation and one hearing.

### **Time Frame for Addressing a Complaint**

Under New York State Education Law Article 129B (Sexual Misconduct Policy), when a complaint is referred for resolution, the University seeks to conclude its investigation of each report of domestic violence, dating violence, sexual assault and stalking within sixty (60) days of the report (exclusive of any appeal) and, in general, a Reporting Individual and Respondent can expect that the process will proceed according to this time frame. However, because circumstances may arise that require an extension possibly beyond the overall sixty (60) day timeline—the time frame expressed is meant to be a guideline rather than a requirement. Circumstances that may require extension of the timeline include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation or other unforeseen circumstances.

Under Title IX of the Education Amendments of 1972 (Title IX Sex Discrimination Policy), the timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner after the filing of the Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

## Evaluation of Response Options

After receiving a complaint, the Title IX Coordinator will determine if the conduct alleged by the Reporting Individual falls within the Sexual Misconduct Policy, the Title IX Sex Discrimination Policy, the Sexual Harassment Prevention Policy or the Student Code of Conduct.

The Title IX Coordinator will take necessary action to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures for either Parties, as appropriate, and actions designed to protect the larger campus community. As necessary, one or more other campus officials (including but not limited to Dean of Students or Director of Campus Safety) may also be involved in this evaluation.

Under this policy, this evaluation will typically be aided by a preliminary meeting between the Title IX Coordinator and the Reporting Individual/Complainant. The purpose of the preliminary meeting is to:

- notify the Reporting Individual/Complainant of the right to contact law enforcement (or not) and seek medical treatment including information on obtaining a sexual assault forensic examination as soon as possible;
- notify the Reporting Individual/Complainant of the importance of preservation of evidence;
- provide the Reporting Individual/Complainant with information about on- and off-campus resources;
- notify the Reporting Individual/Complainant that the institution can provide assistance in initiating legal proceedings in family court or civil court;
- notify the Reporting Individual/Complainant of Supportive Measures available without filing a Formal Complaint;
- provide the Reporting Individual/Complainant with an explanation of the procedural options;
- explain the Criminal Justice Process utilizes different standards of proof- Beyond a Reasonable Doubt v. Preponderance of Evidence (whether it is more likely than not);
- Refer questions about whether a specific incident violated the Penal Law should be addressed by law enforcement or the District Attorney;
- explain the University's policy prohibiting retaliation.

## Informal Process

Informal problem-solving approaches are available for the resolution of some domestic violence, dating violence, and stalking complaints. Informal approaches may include, but are not limited to, discussion of the claim with the alleged offender individually or with the applicable supervisor, or mediation. Mediation may take place with individuals designated by the University. The University will not compel a Reporting Individual/Complainant to engage in mediation. The Reporting Individual/Complainant and Respondent do not have to be in the presence of each other during the mediation process. At any time during the process or if an informal resolution is not achieved, either the Reporting Individual/Complainant or Respondent may request that the complaint proceed to formal resolution. The designated individual handling the informal process will prepare a summary memorandum to document the process.

In most instances, the informal process is not utilized if physical contact is involved in the complaint. In no case will the informal process be used when there is an allegation of sexual violence or assault.

## **Formal Process under NYS Education Law Article 129B**

After the Title IX Coordinator determines that a complaint should proceed to the formal process (or a complaint following a different resolution path is directed to the formal process), an investigation team comprised of personnel with training on Title IX compliance and investigations (Team) will convene as quickly as practicable. The Team will typically be comprised of two individuals who are currently assigned based on a variety of factors including expertise and availability.

The Title IX Coordinator will issue a notice to each party describing the date, time, location, and factual allegations known from the report concerning the alleged conduct in violation of this Policy, a reference to the specific conduct provisions the alleged conduct may violate, and possible sanctions. The investigation schedule may be adjusted to meet the needs of any party involved or depending on the nature and/or complexity of the complaint. The Team will conduct a fact-finding investigation that will typically include meeting individually with the Reporting Individual, Respondent(s), and any individuals the Team considers likely to have relevant knowledge or information related to the complaint.

The Reporting Individual, Respondent(s), and witnesses may each bring an advisor to any interviews or meetings in which they are involved. The advisor shall not address or question the Team or advocate on behalf of the party the advisor is supporting. However, each party may request to take breaks to consult with their advisor or simply to gather themselves (with or without their advisor's support) before the interview proceeds.

During meetings with the Team, the Reporting Individual, Respondent, and witnesses will have the ability to provide the Team with information (including written information such as text messages, Facebook messages, communications from Snapchat, videos, etc.) they believe is relevant to the complaint. The Team will also ask for suggestions as to other individuals with whom the parties or witnesses believe the Team should meet. The Team will consider such suggestions and meet with individuals at its discretion. Witnesses may bring a neutral advisor to any interview in which they are involved. The Team will strive to complete these investigation meetings within thirty (30) days of the complaint.

At the conclusion of the Team's individual meetings with the parties and witnesses, the Team will prepare a summary of each interview. Each individual interviewed will have an opportunity to review and suggest revisions to their respective summary, and to suggest other sources of information for the Team to review and consider which the Team may do at its discretion.

Following the Party and witness review of the unique summary of their interview(s), the Team will prepare a written Investigation Report containing a summary of the investigation and findings of fact. In order to make its findings of fact, the Team will examine the information gathered, including any related documents or other physical or tangible evidence, and apply the preponderance of evidence standard (i.e. whether it is more likely than not) to determine whether or not that the actions in question occurred. The Team will in most cases complete the report within fifteen (15) days after concluding their interviews.

Upon completion of the Investigation Report, the parties will have an opportunity to review the entire report, after which they will have up to two business days to submit a written response to the Team, including additional questions they would like asked of parties and/or witnesses. The Team will meet to consider the written responses and requested questions, if any, to determine whether the suggested questions should be asked and how to incorporate the responses into the Investigation Report.



The Team will then expand the Investigation Report to include party responses and its recommended finding(s) as to Respondent's responsibility for a violation or violations of this Policy.

The Team will then meet with the Title IX Coordinator to present the Investigation Report, including its findings of fact and recommended finding(s) of responsibility. The Title IX Coordinator will review the report and will discuss with the Team any additional investigation that may be advisable. In that event, the Title IX Coordinator and the Team will agree to the scope of additional investigation, which the Team will carry out. The Team will then supplement its Investigation Report accordingly and present a final Investigation Report to the Title IX Coordinator within seven (7) days of concluding any additional investigation.

If, at the conclusion of the investigation, the Team has found a violation of this Policy and the Title IX Coordinator agrees with this finding, the Title IX Coordinator will determine the appropriate disciplinary action or sanctions. The Title IX Coordinator will share the recommended disciplinary action or sanctions with the Title IX Administrator/ VP for Student and Organizational Development. The Title IX Administrator/ VP will review and approve any disciplinary actions. In the event that the Title IX Administrator/ VP does not approve, the Title IX Administrator/ VP will share the reasons for the disapproval with the Title IX Coordinator, who will consider those reasons when making a final determination.

No later than five (5) days after the Title IX Administrator/ VP reviews the Team and Title IX Coordinator's determinations as to responsibility and appropriate sanctions, the Title IX Coordinator will send the parties simultaneous written notice of the: determination of responsibility, if any; sanctions to be imposed on the Respondent (only sharing with the Reporting Individual those sanctions that directly relate to the Reporting Individual), if any; other steps the University has taken or will take to remedy the misconduct or hostile environment and prevent recurrence, if any; the rationale for the decision and specific sanction(s) imposed; and procedures to appeal the decision. The Title IX Coordinator will also notify the Reporting Individual (but not the Respondent) of any individual remedies offered or provided to the Reporting Individual.

### **Rights of Parties Involved in Domestic Violence, Dating Violence, Sexual Assault and Stalking Cases**

Throughout any proceeding under this Policy, the Reporting Individual and the Respondent will have:

- The same opportunity to have access to an advisor of their choice, who may accompany the party to any meeting related to the complaint and/or resolution process subject to the University's limitations on the role of such advisor.
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner that is conducted by officials who, at a minimum, receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking, the effects of trauma, impartiality, the rights of the Respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- The right to an investigation and process that is fair and that is not conducted by individuals with a conflict of interest.
- To receive written or electronic notice, provided in advance pursuant to the University policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the Respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
- The right to a meaningful opportunity to be heard, including the right to review and present relevant information related to the case and in the case file or otherwise in the possession or control of the University.
- The right to continue the University process at the same time a criminal justice investigation is proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays will typically not extend beyond ten (10) days except when law enforcement specifically requests and justifies a longer extension of time. Parties will be notified in writing of the reason for any such extension of this timeframe.
- The right to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution 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.
- When there has been a finding of responsibility, the right to make or submit an impact statement to the Title IX Coordinator as s/he considers appropriate sanctions.
- The right to simultaneous (among the parties) written notification of the outcome of a conduct proceeding, including the factual findings, sanction(s), and rationale for the determination and sanction(s) imposed when such results become final or any change to the result..
- Access to at least one level of appeal of a determination.
- The right to choose whether to disclose or discuss the outcome of a conduct or judicial process.
- The right to protection of all information obtained during the course of this process from public release until a final determination on appeal, if any.
- The proceeding will be consistent with the University's policies and transparent to the Reporting Individual and Respondent to include timely notice for meetings at which both the Reporting Individual or Respondent or both may be present, and timely and equal access to the Reporting Individual and Respondent and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

## Sanctions

Those students found responsible for violating this policy may be suspended or expelled.

Students found responsible for any level of misconduct face sanctions ranging from (but not limited to) a warning to social probation (including reprimands, educational activity, student leadership positions and revoking of privileges), suspension (required withdrawal) or permanent separation, depending on the nature of a particular violation and/or an individual student's overall conduct record. A first offense can result in immediate expulsion.

Employees found responsible for any level of misconduct face discipline ranging from (but not limited to) a written warning to required educational training, work restrictions, suspension without pay, or dismissal, depending on the nature of a particular violation and/or whether or not it is a repeat offense. A first offense can result in immediate termination.

## Appeals

The parties have equal opportunity to appeal the determination of the complaint. Requests for appeals of decisions must be made in writing to the Title IX Administrator/ Vice President for Student & Organizational Development (VP) within three (3) business days of the written decision. Acceptable grounds for an appeal are limited to:

- the sanctions imposed are substantially disproportionate to the violation found to have been committed; and/or
- procedural error(s) that could significantly impact the outcome of a case.

Previously unavailable relevant information that could significantly impact the outcome of the determination must be brought to the attention of the Title IX Coordinator, who will reconvene the Team to determine whether the information would have affected the outcome.

If the Title IX Administrator determines it appropriate, interim suspensions or conditions may be imposed during the time of an appeal or until the time to appeal has passed.

When the Office of the Vice President for Student Organization and Development receives a request for an appeal, the Vice President for Student Organization and Development (or designee) will provide the request to an appeals panel of three individuals (including the Vice President for Student Organization and Development) to determine whether the appeal will be accepted based upon the two criteria set forth above. The panel will then initiate one of the following actions:

- Reject the request for appeal due to insufficient reason(s).
- Analyze the materials related to the appeal and render a decision.

In the event that an appeals panel has been convened, the non-appealing party will be permitted to read the appeal and invited to submit a response within forty-eight (48) hours of notification of the non-appealing party's review of the appeal.

After considering the information submitted in support of and in opposition to the appeal, if any, the panel will take one of the following actions:

- (1) deny the appeal thereby affirming the decision of the Team and Title IX Coordinator;
- (2) remand the complaint to the original Team for further consideration on the grounds that there was a procedural irregularity that could be corrected in a review;
- (3) direct the complaint to a new Team due to an extraordinary case where, in the opinion of the panel, the matter would be best addressed by a newly-constituted Team; or
- (4) remand the matter to the Title IX Coordinator with a recommendation that the sanction(s) be modified, together with an explanation of why the original sanction(s) is deemed inappropriate.

When the appeals panel takes action pursuant to section (1) above, the Vice President for Student Organization & Development will issue simultaneous written notice of the outcome of the appeal to each party (copying the Title IX Coordinator), including the rationale for the decision.

When the appeals panel takes an action specified in (2), (3) or (4) above, the Vice President for Student and Organizational Development will provide the Title IX Coordinator written notice of the appeals panel's decision, including the rationale for the decision. The Title IX Coordinator will then provide the parties written notice of the next steps in the process and/or of any sanction(s) modified pursuant to (4) above.

Decisions made during the appeal process are final, and there is no right to appeal from a decision made after remand of a matter related to (2) or (4) above.

In the case where option (3) is determined, a new investigation team will be formed and the investigation process will begin in consultation with the Title IX Coordinator.

The record of the appeal will consist of the letter of appeal; any written statements from the parties; and any written notices related to action on and/or outcome of the appeal. This record will be kept with the written record of the original decision.

Refer to Sexual Misconduct Policy #108.

### **Formal Process under Title IX Sex Discrimination Policy**

If a Formal Complaint has not yet been submitted, the Title IX Coordinator will advise the Complainant that a Formal Complaint is required to initiate an investigation. The Title IX Coordinator will provide the Complainant a Formal Complaint form (or link to a website where one can obtain and submit a Formal Complaint through the web, by email or by mail) for the Complainant's completion and signature. Once a signed Formal Complaint is submitted, the Title IX Coordinator will proceed.

The Title IX Coordinator may initiate the Grievance Process without a Formal Complaint signed by the Complainant under circumstances that, in the Title IX Coordinator's discretion, require the University to investigate the allegations underlying a report.

If the University determines that it must proceed with the Grievance Process, the Title IX Coordinator will notify both parties prior to commencing any investigation. Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant and Respondent (if identified or identifiable based upon the

report) to discuss the availability of Supportive Measures. Supportive Measures are available with or without the filing of a Formal Complaint. In evaluating the Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering Complainant's wishes and other relevant factors, of the non-disciplinary, non-punitive measures that will be provided to the Complainant and Respondent to restore or preserve equal access to the University's Education programs or Activities, to protect the safety of the Parties, and/or to deter Title IX Sex Discrimination. All Supportive Measures will be provided without fee or charge and without unreasonably burdening the other Party. Supportive Measures will be maintained as confidential by the University to the extent that confidentiality will not impair the ability to provide the Supportive Measures.

### **Emergency Removal of a Respondent**

The University may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, the University will first gather information to undertake an individualized safety and risk analysis. The analysis will be conducted by an individual who is free from bias or conflict of interest; who has relevant knowledge and experience; and who will not be involved in any later Grievance Process related to the student who is being evaluated for potential removal. The emergency removal analysis will focus on the specific Respondent at issue and examine the specific circumstances arising from the allegations of Title IX Sex Discrimination that potentially pose an immediate threat to a person's physical health or safety.

To evaluate the presence of an "immediate threat," the University will consider a Complainant's stated subjective fear and will also apply an objective reasonable person standard. The University will consider the student's propensity, opportunity, and ability to carry out a stated or potential threat. The analysis will evaluate whether Supportive Measures are a more appropriate and less restrictive means to negate or sufficiently minimize the likelihood of a threat being carried out. As part of its analysis, the University may rely on objective evidence and current medical knowledge, and may consult with a licensed evaluator to analyze the information gathered. The University shall also consider Respondent's rights, if any, under applicable federal and/or state disability laws.

In addition, the relationship between a threat and the physical health or physical safety of any student or other individual will also be carefully evaluated. In some but not all cases, threatening speech or virtual interactions without an associated action may rise to the level of a threat to physical health or physical safety. If the threat a Respondent poses is in the nature of potential emotional impact only, the University will instead focus on identifying appropriate Supportive Measures.

If the individualized safety and risk analysis results in a determination that a Respondent's actions pose an immediate and identified threat, but do not arise from allegations of Title IX Sex Discrimination, the University will respond pursuant to other applicable policies and/or procedures.

The University's assessment of the appropriateness of emergency removal will account for its multiple potential impacts, including: whether providing the Complainant Support Measures will be sufficient to ensure equal educational access; the adverse impacts of separating a Respondent from educational opportunities and benefits; and the protection of the health and safety of the University's community. When assessing an emergency removal, the University will also consider the anticipated timeline of an investigation and hearing. Given these evaluations are necessarily fact specific, in some cases the

University may determine that restricting a Respondent's participation in specific programs or activities will adequately address the situation.

At all stages of the process, the University will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a Determination of Responsibility for a Policy violation and will not result in a presumption of responsibility in any subsequent Grievance Process.

The University will continually evaluate whether the presence of an immediate threat to physical health or safety of a student or another individual has remained the same or changed such that the removed student can be safely returned to programs or activities in a partial or complete manner.

In the event the University determines that emergency removal of a Respondent is appropriate, the Respondent will be notified in writing within two (2) Business Days of the removal decision. This written notice will include details about the specifically identified emergency threat of physical safety or harm underlying the decision, as well as information about the Respondent's immediate opportunity to request review of the Emergency Removal decision.

### **Placement of Employee on Administrative Leave**

In the event a Formal Complaint alleges conduct that could constitute Title IX Sex Discrimination and identifies an employee as Respondent, the University may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the employee while the Grievance Process is ongoing. The University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an employee-Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

The University may place a student-employee on administrative leave from on-campus employment in a non-emergency situation in order to provide Supportive Measures to a Complainant. The University will make its best efforts not to unreasonably burden the Respondent with placement on leave and will fully evaluate whether there are alternative and less restrictive measures that would be more appropriate. In most situations, a student-employee placed on administrative leave from on-campus employment as a Supportive Measure will continue to receive pay until the conclusion of the Grievance Process.

### **Grievance Process for Formal Complaints**

All entitlements established in this section apply equally to both Parties. This process applies when a Formal Complaint is signed and submitted, whether by a Complainant or the Title IX Coordinator on behalf of the University. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility at the conclusion of this process. The standard of review for determinations regarding responsibility at the conclusion of this process is Preponderance of Evidence.

Formal Complaints are resolved either through Live Hearing or Informal Resolution.

### **Privacy of Process**

The University will keep confidential the identity of any individual who has made a report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the University to take action under this Policy.

### **Participation in Grievance Process is Voluntary**

Neither Parties nor witnesses are required to participate in the Grievance Process, but without their live testimony at the hearing, the Hearing Board cannot rely upon their statements. The University may not threaten, coerce or intimidate a Party or witness into participating, nor may the University retaliate against a Party or witness for declining to participate in any part of the Grievance Process.

### **Right to an Advisor and Advisor Role**

Each Party has the right to choose an Advisor to assist and advise them (at the Party's own expense, if the Advisor is paid). Each Party has the right to be accompanied by their Advisor throughout the Grievance Process, including during all related meetings and hearings. Parties are encouraged to identify an Advisor as soon as practical, as Advisors play an important role.

#### **Advisors:**

- provide support to the Party but do not serve as a proxy voice for the Party;
- can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the Party should ask for a break in the meeting, interview or Live Hearing;
- may not make statements or arguments or answer questions on behalf of Parties during meetings, interviews or during the Live Hearing;
- may not speak during the hearing process, except in connection with Cross-examination Questions.
- cannot direct the Party how to answer a question; and
- must conduct themselves quietly and professionally, must not disrupt any meeting, interview or proceeding, and must comply with any rules of decorum imposed by the University.

An Advisor who does not follow the guidelines above may be removed from the meeting, interview or Live Hearing.

Each Party must notify the Title IX Coordinator promptly of the name, title, and contact information for their Advisors and any change in their Advisor. If a Party does not select an Advisor and the matter proceeds to a Live Hearing, an Advisor will be appointed by the University, at no fee to the Party, to ask Cross-examination Questions on that Party's behalf.

## After a Formal Complaint is Accepted

Once a Formal Complaint is signed, submitted, and approved to proceed by the Title IX Coordinator will issue a Notice of Investigation to known Parties sufficiently in advance of any request to meet with the Investigator. If during the course of an investigation, new or additional allegations arise that require investigation, the University will send the Parties an updated Notice of Investigation revising the scope of the Investigation.

## Investigation

The University's investigation process is designed to (1) allow for the thorough, impartial, and reliable gathering of information and (2) result in a comprehensive investigation report summarizing relevant, admissible evidence. The University strives to assemble and share with the Parties all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint within 60 Business Days of receipt of Notice of Investigation, understanding that numerous issues arise during investigations that may justify a good cause extension of the timeline.

The Title IX Coordinator will supervise the investigation, starting with determining who will serve as Investigator. The Investigator may be: a university Employee or Employees; an external Investigator or Investigators; or a team of Investigators that pairs an external Investigator with a University Employee.

All Investigators will conduct the investigation with a presumption that the Respondent is not responsible and will investigate free of bias or any conflict of interest. The Investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses. The Investigator(s) will provide advance written notice to Parties of the date, time, location, participants, and purpose of any requested meeting(s).

Interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The burden of gathering relevant, admissible information rests on the University. The Parties will have an equal opportunity to submit evidence and suggest witnesses (including fact and expert witnesses). Investigation interviews will be conducted in a thorough, impartial, and fair manner; all involved individuals will be treated with appropriate sensitivity and respect.

The Investigator(s) will decide which individuals to interview based on the information the Investigator(s) gathers as part of the investigation and, with respect to witnesses offered by a Party, the Investigator may ask the witnesses to describe the information the Party expects the witness to provide. The Title IX Coordinator may also direct that additional interviews be conducted.

The Investigator(s) will not ask questions or gather information or documents protected by a legally recognized privilege, including treatment records of a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity, without written consent to use such documents in the Grievance Process from the person protected by the privilege. Further, the Investigator(s) will not seek information about a Complainant's sexual predisposition and will only allow submission of or pursue information about a Complainant's prior sexual behavior if such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the alleged misconduct or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to establish Consent.



The investigation will be conducted in a manner that is respectful of individual privacy concerns. To be clear, however, confidentiality cannot be promised during an investigation because, for example, the Investigator may need to speak with witnesses and others to gather evidence.

### **Parties' Review of and Response to Information Gathered as Part of Investigation**

At the conclusion of the investigation, the Investigator will assemble all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint, including information upon which the University does not intend to rely in reaching a determination regarding responsibility. The Investigator will redact information that is unrelated to the allegations of the Formal Complaint or otherwise not admissible in the Grievance Process (i.e., (a) because it is subject to an unwaived legally recognized privilege, (b) it relates to Complainant's sexual predisposition or (c) constitutes prior sexual history not offered to establish: (i) Consent or (ii) that Respondent did not engage in the alleged misconduct).

The assembled information will then be shared with the Parties and their Advisors in hard copy or an electronic format with at least ten (10) Business Days to review and submit a written response. Depending on the nature of the information shared, the University may require Parties and their Advisors to agree to restrictions or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Grievance Process.

The Investigator will review the Parties' responses to evaluate whether further investigation may be required to ensure the investigation is thorough and complete. In consultation with the Title IX Coordinator, the Investigator will determine any further action indicated by the Parties' responses and develop a plan to complete the investigation.

### **Investigation Report**

After considering the Parties' responses and conducting any additional investigation indicated by those responses, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties' responses to the report, as well as an explanation of any additional steps taken after receipt of Party responses, and include any related materials. All of these written submissions and all relevant, admissible information gathered during the investigation will collectively be considered the investigation report.

To the extent that the investigation report includes an assessment of Party and witness credibility, credibility determinations may not be based upon a person's status as a Complainant, Respondent or witness.

The University will share the investigation report with the Parties and their Advisors either in hard copy or an electronic format, and each Party will have at least ten (10) days to review and respond to the investigation report in writing. Upon receipt of the Parties' responses after review of the investigation report and a determination by the Title IX Coordinator (in consultation with the Investigator) that the investigation is complete, the University will notify all Parties that the investigation is complete and provide information about next steps in the process.

## **Determination After Investigation**

Proceed to Live Hearing  
Dismissal of Formal Complaint

## **Live Hearings**

The Live Hearing process begins with the issuance of a Notice of Live Hearing. The Notice of Live Hearing will be sent to the Parties simultaneously within 10 Business Days of the delivery of the Investigation and at least five (5) Business Days before the scheduled hearing date.

## **Title IX Coordinator as Hearing Board Chair**

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator oversees all hearings. In rare circumstances when the Title IX Coordinator is unavailable or ineligible to do so, the Title IX Coordinator will appoint a delegate to convene and oversee the Hearing Board process. The Title IX Coordinator will be the non-voting chair of all Hearing Boards during Live Hearings, serving as a process and policy advisor to the Hearing Board. In this role, the Title IX Coordinator may be referred to as the Hearing Officer.

The Title IX Coordinator is never a Decision-maker, whether in connection with a Live Hearing or an Appeal, but may be an Investigator.

## **Hearing Board**

Prior to the Live Hearing, the Hearing Board will have read all of the information in the file. The Parties will have the same information as the Hearing Board. The Hearing Board will focus its questions on those areas where it needs clarification or more information. The Hearing Board will not necessarily need or want Parties or witnesses to repeat everything they shared during the investigation, but as the Decision-maker(s), the Hearing Board is obligated to come to its own Findings of Fact. The Hearing Board has the right and responsibility to ask questions and elicit information from Parties and witnesses on the Hearing Board's own initiative to aid the Hearing Board in obtaining relevant information, both inculpatory and exculpatory. Only members of the Hearing Board may ask questions of any person testifying, except in connection with Cross-examination Questions asked by Advisors. The Hearing Board is responsible for ensuring that it has sought and probed all information necessary to make an informed decision. At times, the Hearing Board will need to ask difficult or sensitive questions in order to understand the allegations, related information, and to gain a full understanding of the context.

The Parties have equal rights to present information in front of the Hearing Board, which ensures that the Hearing Board has the benefit of each Party's perspectives about the evidence.

Parties have no right to self-representation and may not ask questions directly of the other Party or Witnesses.

## **Evaluating Information**

The Hearing Board must objectively evaluate all admissible, relevant evidence for weight or credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Hearing Board must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely

to be true. Determinations of credibility must be based on objective evaluation of relevant evidence, not on a person's status as a Complainant, Respondent or witness or inferences from Party or witness status. Credibility determinations are based on a number of factors, including demeanor (but never only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroborating evidence is not required); level of detail in statement or testimony; motive to be untruthful; and inherent plausibility or implausibility. The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party's answers to cross-examination questions will be evaluated by the Hearing Board in context, taking into account that a Party may experience stress while answering cross-examination questions. Parties will not be unfairly judged if they are unable to recount every specific detail in sequence, whether such inability is due to trauma, the effects of drugs or alcohol or simple fallibility of human memory. These factors will also be considered as part of the credibility assessment.

### **Role and Obligations of Advisors During Hearings**

Advisors may not speak during the hearing process, except in connection with Cross-examination questions. Therefore, in all instances other than Cross-examination questions, Advisors may not speak to the Hearing Board, make statements or arguments, or answer questions on behalf of a Party. Advisors conducting Cross-examination must be capable of understanding the purpose or scope of Cross-examination. Equal competency between the Parties' Advisors is not required.

When conducting Cross-examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.

Advisors cannot direct the Party how to answer a question. Parties should provide their own responses to questions, not the responses their Advisor believes would be best.

### **Location of the Live Hearing**

Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the University's discretion, any or all Parties, witnesses, and other participants may appear virtually at the Live Hearing, with the Parties being able to see and hear each other and witnesses live.

At the request of either Party, the University will provide for the entire Live Hearing (including Cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Unlike Parties, witnesses do not have the right to demand to testify in a separate room, but the University, in its discretion, may permit any participant to appear remotely.

The Live Hearing will relate solely to charges set forth in the Notice of Live Hearing received by the Parties. If the Parties or any witnesses share information that goes beyond these charges, the Hearing Board will redirect the speaker to the charges at hand.

Parties may be accountable for additional violations discovered through the Grievance Process even if they do not appear in the Notice of Charge/Notice of Live Hearing. In this instance, a separate Grievance Process under this Policy or under other applicable policies will commence.

The Live Hearing is closed, meaning it is not open to the public. Witnesses may be present only for their individual meeting with the Hearing Board. Advisors and Parties may be present throughout the proceeding. If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party's Advisor may appear and conduct Cross-examination. In the event neither a Party nor their Advisor appear at the hearing, the university will provide an Advisor to appear on behalf of the non-appearing Party.

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and to the best of their knowledge. The Hearing Board reserves the right to recall any Party or witness for further questions and to seek additional information as it deems necessary. A Party or witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

Advisors are allowed, on behalf of the Party they are advising, to cross-examine the other Party and witnesses by asking relevant questions and follow-up questions, including questions challenging credibility.

### **Relevance Determination Before Answering**

Before a Party or witness answers a Cross-examination question, the Hearing Board must determine if the question is relevant. If a question is deemed irrelevant, the Hearing Board must explain why. The requirement of relevancy applies throughout the hearing, including during Cross-examination, and will be determined by the Hearing Board. Parties should understand that the process of Cross-examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-examination questions may not be submitted in writing in advance of the Live Hearing or during the Live Hearing for purposes of seeking an evaluation of relevance.

### **Effect of Not Submitting to Cross-examination**

If a Party or witness does not submit to Cross-examination by Advisors at the Live Hearing, the Hearing Board must not rely on any Statement of that Party or witness in reaching a determination regarding responsibility. This rule does not apply if a Party or witness refuses to answer questions posed by the Hearing Board.

### **Determination**

When the Live Hearing concludes, the Hearing Board will privately deliberate and make its decision in accordance with the preponderance of the evidence Standard of Evidence.

The Hearing Board will issue a Written Determination, which will be sent to the Parties simultaneously within 14 Business Days of the conclusion of the Live Hearing.

### **Sanctions**

Title IX requires that the University provide notice of a range of sanctions. Possible Sanctions can be found in the Title IX Discrimination Policy #120.

## Appeals

The Parties have equal rights to file an Appeal. Appeals must be submitted by the individual identified in the Written Determination on or before the date specified in the Written Determination, which shall be seven (7) Business Days after the delivery of the Written Determination.

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or,
- Conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

### Actions upon Receipt of Appeal

When the Title IX Coordinator receives an Appeal, Title IX Coordinator will provide the request to the Appeal Decision-maker.

Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Appellant will be given notice of the receipt of the Appeal, which will also serve as notice to the non-appealing Party of the Appeal, and notice to the Parties of the Appeal Decision-maker.

The Parties will have two (2) days after notice of receipt of the Appeal to request that the Title IX Coordinator remove the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial. The Title IX Coordinator will determine whether to remove the Appeal Decision-maker member. If the Appeal Decision-maker is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If the Appeal Decision-maker is removed and replaced, the Parties will be sent simultaneous written notification of the name of the new Appeal Decision-maker.

When the time to request removal of the Appeal Decision-maker has run, the Appeal Decision-maker will be provided with the entire file provided to the Hearing Board, together with the Written Determination.

The Appeal Decision-maker will first determine whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. Within seven (7) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties simultaneously:

- That the Appeal has been rejected due to insufficient grounds, with the Appeal Decision-maker's rationale, or
- That the Appeal has been accepted.

- The non-appealing Party/ies will be entitled to submit a response to the Appeal, which must be sent to the Title IX Coordinator within five (5) Business Days of receipt of notice that the Appeal was accepted.

The Appeal Decision-maker will then analyze all of the materials related to the Appeal and will take one of the following actions:

- Uphold the original decision
- Send the matter back to the Hearing Board for further consideration
- Refer the matter to the Title IX Coordinator for further investigation or a new hearing with a new Hearing Board

The written Appeal decision, which will include the Appeal Decision-maker’s rationale, will be sent to the Parties simultaneously.

Refer to Title IX Sex Discrimination Policy #120.

### **Notification to Victims of Crimes of Violence**

The University will, upon written request, disclose to the alleged victim of a crime of violence (as the term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Sex Offender Registry**

The New York State Division of Criminal Justice Services (DCJS) maintains a Sex Offender Registry. Sex offenders are classified according to their risk of re-offending: low-risk (Level 1), moderate risk (Level 2) and high-risk (Level 3). DCJS also maintains a public subdirectory on the internet which only includes Level 2 and 3 offenders. You may access the sex offender registry at [www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov) or [www.monroecounty.gov](http://www.monroecounty.gov).

### **Notification of Missing Students residing in On-Campus Housing**

If a member of the Campus community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Campus Safety at (585)594-7777. Campus Safety will generate a missing person report and initiate an investigation. After investigating the missing person report, should Campus Safety determine that the student is missing and has been for more than 24 hours, Campus Safety will notify local law enforcement and the student’s emergency contact as soon as practical but no later than 24 hours after the student is determined to be missing. (This does not preclude initiating notification procedures as soon as Campus Safety determines that a student is missing).

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Campus Safety in the event the student

is determined to be missing for more than 24 hours. If a student has identified such an individual, Campus Safety will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact may do so at the Campus Safety Office. General emergency contact information and missing student contact information will be kept separate even if the student has registered the same person for both purposes. A student’s confidential contact information will be accessible only by authorized campus officials and disclosed to law enforcement only for the purpose of a missing student investigation. Once a determination has been made that a student living in on-campus housing is missing, Campus Safety is required to notify local law enforcement of the situation within 24 hours.

If the missing student is under the age of 18 and is not an emancipated individual, Campus Safety will also notify the student’s parent or legal guardian and the student’s designated confidential person (if different from parent or legal guardian) as soon as practical and no later than 24 hours after the student is determined to be missing.

### Hate Crimes Reporting

There were no hate crimes reported for the years 2021, 2022, or 2023.

### Unfounded Crimes Reporting

There were no unfounded crimes for the years 2021, 2022, or 2023.

| <b>Criminal Offenses Reporting Table</b> |      |                    |   |                      |                  |
|--|------|--------------------|---|----------------------|------------------|
| Offense                                  | Year | On Campus          |   | Non-Campus Property* | Public Property* |
|  |      | On-Campus Property | On-Campus Student Housing Facility<br><i>Subset of "On-Campus Property"</i> |                      |                  |
| <b>Criminal Homicide</b>                 |      |                    |   |                      |                  |
| Murder/Non-negligent Manslaughter        | 2021 | 0                  | 0   | 0                    | 0                |
|  | 2022 | 0                  | 0   | 0                    | 0                |
|  | 2023 | 0                  | 0   | 0                    | 0                |
| Manslaughter by Negligence               | 2021 | 0                  | 0   | 0                    | 0                |
|  | 2022 | 0                  | 0   | 0                    | 0                |
|  | 2023 | 0                  | 0   | 0                    | 0                |
| <b>Sexual Assault (Offenses)</b>         |      |                    |   |                      |                  |
| Rape                                     | 2021 | 1                  | 1   | 0                    | 0                |
|  | 2022 | 3                  | 3   | 0                    | 0                |
|  | 2023 | 0                  | 0   | 0                    | 0                |
| Fondling                                 | 2021 | 2                  | 2   | 0                    | 0                |
|  | 2022 | 2                  | 2   | 0                    | 0                |
|  | 2023 | 2                  | 1   | 0                    | 0                |
| Incest                                   | 2021 | 0                  | 0   | 0                    | 0                |
|  | 2022 | 0                  | 0   | 0                    | 0                |
|  | 2023 | 0                  | 0   | 0                    | 0                |

|                     |      |   |   |   |   |
|---------------------|------|---|---|---|---|
| Statutory Rape      | 2021 | 0 | 0 | 0 | 0 |
|                     | 2022 | 0 | 0 | 0 | 0 |
|                     | 2023 | 0 | 0 | 0 | 0 |
| Robbery             | 2021 | 0 | 0 | 0 | 0 |
|                     | 2022 | 0 | 0 | 0 | 0 |
|                     | 2023 | 0 | 0 | 0 | 0 |
| Aggravated Assault  | 2021 | 0 | 0 | 6 | 0 |
|                     | 2022 | 0 | 0 | 1 | 0 |
|                     | 2023 | 0 | 0 | 1 | 0 |
| Burglary            | 2021 | 0 | 0 | 1 | 0 |
|                     | 2022 | 1 | 0 | 1 | 0 |
|                     | 2023 | 0 | 0 | 3 | 0 |
| Motor Vehicle Theft | 2021 | 0 | 0 | 1 | 0 |
|                     | 2022 | 0 | 0 | 1 | 0 |
|                     | 2023 | 0 | 0 | 7 | 0 |
| Arson               | 2021 | 0 | 0 | 2 | 0 |
|                     | 2022 | 0 | 0 | 0 | 0 |
|                     | 2023 | 0 | 0 | 0 | 0 |

### Arrests and Disciplinary Referrals Reporting Table

|   |      |    |    |    |   |
|---|------|----|----|----|---|
| <b>Arrests</b>  |      |    |    |    |   |
| Drug Law Arrests  | 2021 | 0  | 0  | 8  | 0 |
|   | 2022 | 0  | 0  | 0  | 0 |
|   | 2023 | 0  | 0  | 0  | 0 |
| Weapons Law Arrests                                     | 2021 | 0  | 0  | 8  | 0 |
|   | 2022 | 0  | 0  | 4  | 0 |
|   | 2023 | 0  | 0  | 1  | 0 |
| Liquor Law Arrests                                      | 2021 | 0  | 0  | 0  | 0 |
|   | 2022 | 0  | 0  | 0  | 0 |
|   | 2023 | 0  | 0  | 0  | 1 |
| <b>Disciplinary Referrals</b>                           |      |    |    |    |   |
| Drug Law Violations Referred for Disciplinary Action    | 2021 | 2  | 2  | 0  | 0 |
|   | 2022 | 7  | 7  | 0  | 0 |
|   | 2023 | 2  | 2  | 0  | 0 |
| Weapons Law Violations Referred for Disciplinary Action | 2021 | 0  | 0  | 0  | 0 |
|   | 2022 | 0  | 0  | 2  | 0 |
|   | 2023 | 0  | 0  | 2  | 0 |
| Liquor Law Violations Referred for Disciplinary Action  | 2021 | 6  | 6  | 0  | 0 |
|   | 2022 | 9  | 9  | 0  | 0 |
|   | 2023 | 15 | 15 | 0  | 0 |
| <b>VAWA Offenses Reporting Table</b>                    |      |    |    |    |   |
| Domestic Violence                                       | 2021 | 0  | 0  | 2  | 0 |
|   | 2022 | 0  | 0  | 29 | 0 |
|   | 2023 | 2  | 2  | 5  |   |



|                 |      |   |   |    |   |
|-----------------|------|---|---|----|---|
| Dating Violence | 2021 | 0 | 0 | 1  | 0 |
|                 | 2022 | 1 | 1 | 36 | 0 |
|                 | 2023 | 0 | 0 | 0  | 0 |
| Stalking        | 2021 | 0 | 0 | 0  | 0 |
|                 | 2022 | 0 | 0 | 0  | 0 |
|                 | 2023 | 3 | 0 | 0  | 0 |

## Geography

Statistics for **on-campus** property include incidents at the Roberts Wesleyan University campus as well as all on-campus student housing.

Statistics for **on-campus student housing facilities** include Miner Hall, Magill Hall, Updyke Hall, O'Brien Hall, Adams Hall, Dailey Hall, Mohnkern Hall, Morrow Hall, Sittig Hall, Whittingham Hall, Davison Hall and Beeson Apartments.

Statistics for **non-campus** property include a portion of buildings/property used by the University for instructional purposes and frequently used by students.

\*2023 "Non-Campus Property" statistics- New York State Police report (1) Weapons Law Arrest at 1425 Portland Avenue while our students may have been on site. Brockport Police Department report (5) Domestic Violence, (1) Aggravated Assault, (2) Burglary at 156 West Avenue while our students may have been on site. Greece Police Department report (5) Motor Vehicle Thefts at 1555 Long Pond Road while our student may have been on site. St. Joseph's School of Nursing report (2) Motor Vehicle Thefts, (1) Burglary, (2) Illegal Weapons Referrals while our students may have been on site.

\*2023 "Public Property" statistics- New York State Police report (1) Liquor Law Violation Arrest at 4300 block of Buffalo Road.

\*2022 "Non-Campus Property" statistics- Greece Police Department report (1) Domestic at 1555 Long Pond Road while our students may have been on-site. Brockport Police report the following statistics from 150-175 West Avenue, Brockport while our students may have been on site: (1) Aggravated Assault, (1) Motor Vehicle Theft, (4) Drug Law Arrests, (2) Weapons Arrests, (28) Domestic Violence, (36) Dating Violence. St. Josephs College of Nursing report (1) Burglary and (2) Illegal Weapons Possession while our students may have been on site.

\*2021 "Non-Campus Property" statistics- Orangetown Police Department report (1) Domestic/Dating Violence during the period while our students were on site. Town of Greece Police Department report (1) Burglary that occurred at 1555 Long Pond Road while our students were on site. Rochester Regional Health Department of Safety and Security report (2) Aggravated Assaults while our students may have been on site at 1425 Portland Avenue. St. Joseph's School of Nursing report (1) Drug Law Violation (2) Illegal Weapons Possession (1) Arson while our students may have been on site. City of Rochester Police Department report (1) Drug Law Violation (2) Aggravated Assaults (2) Illegal Weapons Possession at 1425 Portland Avenue while our students may have been on site, (4) Aggravated Assaults (1) Arson (6) Illegal Drug Possessions (3) Illegal Weapons Possession (1) Domestic Violence at 601 Elmwood Avenue while our students may have been on site, (1) Illegal Weapons Possession at 70 State Street while our students were on site.

\*\*2023 “Sexual Assault” reported to Wellness Center. No further details were provided by complainant.

\*\*2023 “Sexual Assault” Title IX Coordinator received a complaint of a sexual assault that occurred between 1973 and 1977. No other information provided.

\*\*2022 “Rape”-Non-Consensual Intercourse reported to Wellness Center. Occurred in November 2021. Reporting person would provide no further details to the type of sexual assault or where or when the incident occurred was disclosed.

\*\*2021”Sexual Assault”- Interim Dean of Students reports being contacted by a student who reported that the student was sexually assaulted. The student would provide no further details to the type of sexual assault or where or when the incident occurred was disclosed.

\*\*2021 “Sexual Assault”- Title IX Coordinator reports that a student disclosed to a faculty member that the student had been sexually assaulted. The reporting student was given contact information but declined. No further details of the type of sexual assault or when or where the incident occurred was disclosed.

## **Annual Fire Safety Report**

The University publishes this fire safety report as part of its annual Clery Act compliance. This report contains information regarding the fire safety practices and standards for the University, including statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire.

### **Fire Log**

A daily fire log is available for review at the Campus Safety office located in Room 270 of the Voller Athletic Center. The fire log includes information about fires that occur in residential facilities, including the nature, date, time and general location. A fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrollable manner.

### **Fire Safety**

The University is committed to the safety of our faculty, staff and students and providing a safe environment in which to live in, learn and work. The safety of our students and fire safety is our highest priority. Resident Directors share this information with resident students during floor meetings.

-All buildings at the University are equipped with automated fire alarm systems and monitored 24 hours a day by Johnson Controls (an industry leader in fire detection and alarm capabilities). When a fire alarm is received, Campus Safety is notified through our alarm system, a text notification and a telephone call from Johnson Controls. A Campus Safety Officer responds immediately and the appropriate Fire Department is notified to respond.

-Campus Safety has a policy in place for evacuation procedures.

-Fire Extinguishers are located in all hallways and common areas throughout our residential system.

-There is an audible alarm and emergency egress directions for evacuation. All exit doors are push open for a quick exit.

-Co2 detectors are located on each dorm floor and heat detectors are located in all dorm kitchen areas.

-Fire Alarm Systems are inspected by an outside contractor on a regular basis. Sprinkler systems are tested on a regular basis.

- At the beginning of each school year, residents receive instruction on proper exiting and pathways and other fire safety information. Faculty and staff receive instruction during initial new hire orientation.

-Each semester Campus Safety performs two (2) fire drills in each dorm. Fire drills are timed and all residents are expected to participate and evacuate. No prior notification is given to the residents as to the timing of these drills. The purpose of these drills is to familiarize residents with evacuation procedures, the sound of the alarms, and the locations of all exits in an area.

- DAVISON HALL IS THE ONLY RESIDENTIAL HALL EQUIPPED WITH A FIRE SPRINKLER SYSTEM

### **Fire Reporting**

Sound the fire alarm by activating a fire alarm wall mounted pull station and:

- Call Campus Safety at 7777 or (585)-594-7777
- Campus safety will alert Chili Fire Department for any building on South Campus/ Spencerport Fire Department for any building on North Campus.
- Follow the building evacuation procedures
- Once evacuated from the building, alert the first responding Campus Safety Officer or Fire Department Official to the source of the fire.
- If a member of the Campus Community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already responded, the community member should immediately notify Campus Safety to investigate the incident.
- It is important to report all fires no matter how small, to Campus Safety for purposes of inclusion of statistics in the Annual Security and Fire Safety Report.

### **Building Evacuations**

When the alarm sounds:

- Immediately evacuate the building
- Close all room doors (but do not lock) if possible
- Leave by the nearest marked exit
- Do not use elevators
- Assist persons with a disability in exiting the building. If you cannot assist, direct the disabled person to the designated staging area and notify a Campus Safety Officer or Fire Department Official and report the person's name and location.
- As you evacuate the building, pull closed any steel fire doors. Do not leave them propped open.
- Move to the designated evacuation site and away from the building.
- Do not return to the building until directed by Campus Safety or a Fire Department Official.

### **Fire Extinguishers**

Fire Extinguishers are located in all hallways and common areas throughout our residential system. The extinguishers are to be used by emergency responders and trained Campus personnel only. Do not attempt to fight a fire with an extinguisher unless appropriately trained. Fire Extinguishers throughout campus are inspected on a monthly basis by Campus Safety.

## **Future Improvements**

The current system utilized by the University is highly effective and protective of our student community. Future improvements would be an upgrade to the central alarm panel should funding allow.

## **Prohibited Items and Activities**

- Candles and/or incense are prohibited in residence halls.
- Cooking/Electrical Appliances: Students are required to limit their use of electrical appliances to the following: personal computer, radio/stereo, small TV, compact refrigerator, clock, hair dryer and small fan. Air fresheners requiring a plug, toaster ovens, open-coil heaters or burners and space heaters are not allowed.
- Fire and Safety Equipment: Tampering with fire extinguishers, alarms and other safety equipment is a serious offense against the Campus Community. A student found responsible of this offense faces a maximum penalty of expulsion from the University.
- Lamps: Halogen lamps are prohibited in the residence halls.
- Smoking: Smoking is prohibited on campus property.
- Windows: Electrical signs are not allowed in windows. Signs and other material are not allowed to hang outside of windows, off fire escapes or off buildings.
- No open flames (i.e. candles and smoking)
- No highly combustible material hanging from ceiling.
- No decorations near or covering lights or light fixtures.
- No extension cords.
- No electrical wires through or underneath door frames or carpets.
- No daisy chained power strips

## **Fire Safety Tips**

- Never leave cooking unattended.
- Do not assume an alarm is false.
- Know two ways out of your residence hall or office building.

| <b>Statistic and Related Information Regarding Fires in Residential Facilities for 2021</b> |                              |             |               |   |                                    |   |  |
|---|------------------------------|-------------|---------------|---|------------------------------------|---|--|
| Residential Facilities  | Total fires in each building | Fire number | Cause of fire | Numbers of injuries that required treatment at a medical facility | Number of deaths related to a fire | Value of property damage caused by fire |  |
| O'Brien   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Magill  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Anderson  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Updyke  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Miner   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Davison   | 5 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| DeBarr  | 9 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Adams   | 2 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Daley   | 4 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Whittingham   | 10 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Sittig  | 12 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Morrow  | 13 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Mohnkern  | 11 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Beeson  | 3 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| <b>Statistic and Related Information Regarding Fires in Residential Facilities for 2022</b> |                              |             |               |   |                                    |   |  |
| Residential Facilities  | Total fires in each building | Fire number | Cause of fire | Numbers of injuries that required treatment at a medical facility | Number of deaths related to a fire | Value of property damage caused by fire |  |
| O'Brien   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Magill  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Updyke  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Miner   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Davison   | 5 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Adams   | 2 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Daley   | 4 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Whittingham   | 10 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Sittig  | 12 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Morrow  | 13 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Mohnkern  | 11 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Beeson  | 3 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| <b>Statistic and Related Information Regarding Fires in Residential Facilities for 2023</b> |                              |             |               |   |                                    |   |  |
| Residential Facilities  | Total fires in each building | Fire number | Cause of fire | Numbers of injuries that required treatment at a medical facility | Number of deaths related to a fire | Value of property damage caused by fire |  |
| O'Brien   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Magill  | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Updyke  | 2301 Westside Drive          | 1           | 1             | Unintentional/Fire on stove top                                   | 0                                  | \$0                                     |  |
| Miner   | 2301 Westside Drive          | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Davison   | 5 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Adams   | 2 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Daley   | 4 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Whittingham   | 10 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Sittig  | 12 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Morrow  | 13 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Mohnkern  | 11 Nelson Morton Drive       | 0           | 0             | N/A   | N/A                                | N/A                                     |  |
| Beeson  | 3 Nelson Morton Drive        | 0           | 0             | N/A   | N/A                                | N/A                                     |  |