

Annual Security and Fire Safety Report 2018



ROBERTS
WESLEYAN COLLEGE



NORTHEASTERN
SEMINARY

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.

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We urge members of the Roberts Wesleyan College and Northeastern Seminary Campus (referred to in this report as the “College”) community to use this report as a guide for safe practices on and off-campus. The College 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 Wesleyan College website where the Annual Security and Fire Safety Report can be found. The report is available online at <https://www.roberts.edu/student-experience/campus-safety/resources.aspx>. 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 RWC Campus Safety office located in Room 270, Voller Athletic Center, Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York, 14624.

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Message from the Roberts Wesleyan College Campus Safety Department

Dear Roberts Wesleyan College and Northeastern Seminary Community,

The College is committed to providing a safe and secure environment for our students, faculty, staff and visitors. To that end, we are pleased to present the Annual Security and Fire Safety Report.

This report is prepared by the Campus Safety Department, which is responsible for ensuring the safety and security of the College community from all hazards, including crime.

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 (HEOA).

We encourage you to read this information and consider how it can help you and the College community to prevent and protect yourself against crime. Thank you for taking time to review this information and helping to make Roberts Wesleyan College and Northeastern Seminary a safer community.

Sincerely,

Ruth Logan
Vice President for Student &
Organizational Development

Richard Billitier
Director of Campus Safety

Roberts Wesleyan College and Northeastern Seminary

Located just outside of Rochester, New York- one of America's most livable cities- Roberts Wesleyan College is a vibrant private Christian College that offers excellence in liberal arts and professional programs.

About Roberts Wesleyan College

Roberts Wesleyan College is committed to character development, Christ-centered education, transformational learning and service. With an enrollment of 1,708 students and a tradition of excellence for over 150 years, the College strives to inspire students to transform themselves and the world, and offers 87 undergraduate, graduate and adult-degree completion programs taught by high-quality, supportive faculty. The College also has a doctoral program in Clinical & School Psychology. Redhawks Athletics offers 19 intercollegiate sports. Roberts Wesleyan was honored on the **2015, 2016 and 2017** Great Colleges to Work For list, presented by The Chronicle of Higher Education.

About Northeastern Seminary

Since opening its doors in 1998, Northeastern Seminary on the campus of Roberts Wesleyan College has continued to grow in prominence as a significant resource for the church community in upstate New York. Northeastern Seminary is a multi-denominational graduate school of theology offering five academically and professionally accredited degrees: Master of Divinity, Master of Arts of Theological Studies, Master of Arts in Theology and Social Justice, Master of Arts in Transformational leadership, and Doctor of Ministry. The student body is comprised of more than 30 different faith traditions represented among 130 students and 500 graduates ministering around the nation and world.

Department of Campus Safety

Mission

Roberts Wesleyan College Campus Safety will provide for a safe environment conducive to the educational process for the College students, faculty, staff, and visitors; and will provide a positive environment where all College community members may participate in the transformational experience while utilizing their talents, respecting one another, and growing as individuals.

Department of Campus Safety

The Vice President for Student & Organizational Development is responsible for the Department of Campus Safety. The College's 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, 22 full and part time Campus Safety Officers as well as a Student Patrol Division.

Campus Safety is not a sworn law enforcement agency. Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business on College property. Campus Safety is charged with the enforcement of public conduct standards on campus. Campus Safety Officers have the authority to eject and ban violators from College/Seminary property. Campus Safety Officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty and staff.

Working Relationships

Campus Safety maintains a highly professional working relationship with the Monroe County Sheriff's Office, the Town of Ogden Police Department and the New York State Police. 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 College has also 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 College and the Monroe County Sheriff's Office for the investigation of alleged criminal offenses. Campus Safety maintains a close working relationship with the liaison from the New York State Police Campus Sexual Assault Victims Unit.

Training

Campus Safety Officers meet the training requirements prescribed by New York State for Security Guards. In addition to this training, officers are required to attend CPR, AED, and Basic First Aid certification. A majority of our Campus Safety Officers are current and retired law enforcement professionals.

Reporting Procedures

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

The College 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:

Campus Safety, Voller Athletic Center Room 270, 585.594.7777

Monika Robertson, Title IX Coordinator, lower Rinker, robertson_monika@roberts.edu

Jennifer Aube, Harassment Officer, Carpenter Hall, aube_jennifer@roberts.edu

John Walker, Harassment Officer, Chesbro Center, walker@roberts.edu

Mike Broberg, Dean of Students, lower Rinker, brobergm@roberts.edu

Ruth Logan, VP for Student & Organizational Development, lower Rinker, logan_ruth@roberts.edu

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 Confidential Crime Reporting

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may want to consider making a voluntary confidential 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 confidential report is to maintain confidentiality, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, 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 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 College's Title IX Coordinator.

Emergency Blue Light Phones

12 emergency blue light phones are located on the RWC/NES campus. Once activated, these phones will put you in direct contact with a Campus Safety Officer.

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 cell number on the Emergency Contacts page at <http://www.roberts.edu/> go to the RWC Intranet, click on "Students" then "Emergency Contacts". Follow the texting instructions and fill in the emergency contact information. This will 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 College 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 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). The Director (or highest ranking supervisor) will make contact with the Vice President for Student and Organizational Development (or) the Dean of Students.

Upon confirmation of a significant emergency or dangerous situation, outside resources may be called upon for assistance. The College 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 College also partners with two fire agencies (Chili and Spencerport Fire Departments) for situations requiring their assistance. The location of the facility on campus would mandate which fire service and police agency responds

The Roberts Wesleyan College 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 Vice President for Student and Organizational Development (or) the Dean of Students, working with the Director of Campus Safety, 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 that involves only students residing on campus) 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.

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

The options for mass notification instituted around campus are the Roberts Alert system using the phone numbers that individuals have voluntarily signed up for. A campus wide E-mail distribution list has also been set up to notify students and staff of situations while also giving them any needed directions. This communication would have some delay for actual contact. Campus Safety also utilizes an Emergency Alert Air Horn. The air horn will 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 College may also utilize local media to assist with notifications. Procedures are in place to notify local television and radio stations of any emergency announcements.

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. A drill involving the ERT is also conducted at least annually. These drills may consist of table top exercises and/or real time events. 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. One drill is done in the evening and one at night. 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 these 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 Staff and building residents on floor and fire exit evacuation, how to report a fire alarm activation in their residence halls and awareness of the unannounced drills.

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, Campus Safety Officers will direct all occupants to the closest available stairway or exit, while keeping them calm and orderly. Elevators will not be used. When evacuating, all interiors will be checked. 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.

Procedural guidelines for a campus wide evacuation are outlined in the Roberts Wesleyan College and Northeastern Seminary Emergency Response Plan. Memorandums of Understanding are in place with a local school district to be used as an alternate site if necessary.

Timely Warnings

Timely Warnings are required to be issued for all Clery Act crimes that occur on the College's Clery Act geography that are reported to Campus Security Authorities or local law enforcement and considered by the College to represent a serious or continuing threat to students and employees.

Students, faculty, staff, community members and guests are encouraged to report all crimes and public safety-related incidents to Campus Safety in a timely manner 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 College 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 or the Vice President for Student Organization & Development.

Alerts and updates to the College community about any particular case may be distributed via blast email or text message, and posted on the Roberts Wesleyan College 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.

Campus Security and Access

Main Campus

During business hours, the College (excluding residence halls) will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to the College 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.

Residence Halls

Residence halls are secured 24 hours a day. Some residence halls are accessed by key only and others by swipe card only.

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 owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities that is within the campus or immediate adjacent to and accessible from the campus.

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.

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

Sex 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, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

Destruction/ Damage/ Vandalism of Property: To willfully 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 Reauthorization Act of 2013 (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 or breaching 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 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.
- 130.92 Sentencing.

- 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 not 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 or 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 College strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the College 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 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 City Police 66th Precinct, City of Canandaigua Police, Genesee Community College Campus Safety, Unity Hospital Security, Town of Greece Police, Town of Irondequoit Police, St. Joseph's School of Nursing Manager for Security Services, Town of Amherst Police, New York State Police, Monroe County Sheriff, Nassau County Police, Town of Manlius Police, City of Albany Police, Orangetown Police, Suffolk County Police, Village of Spring Valley Police, Onondaga County Sheriff's Office, Colonie Police, Albany County Sheriff.

Out of State Agencies: Pennsylvania State Police Troop H Station, Pennsylvania State Police-Indiana, Joplin Missouri Police, Charlotte-Mecklenburg North Carolina Police, Springfield Ohio Police, Gettysburg Pennsylvania Police, Atlantic City New Jersey Police, Wyomissing Pennsylvania Police, Concord New Hampshire Police, Hookset New Hampshire Police, Waterbury Connecticut Police, Ocean City Maryland Police, Warsaw Indiana Police, Upper Dublin Pennsylvania Police, Florence Alabama Police, Pittsburg Pennsylvania Police, Gainesville Florida Police, Indiana Borough Pennsylvania Police, Horry County South Carolina Police, Cumberland Pennsylvania Police, Stark County Ohio Sheriff, Washington Township Pennsylvania Police, Columbia South Carolina Police, Merriam Kansas Police, Civil Police Polo Centro Brazil, National Police Huehuetenango, Guatemala.

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

A written request for statistical information is made on an annual basis to all non-police officials who include campus security authorities. A designated campus security authority includes, but is not limited to campus deans, resident directors, and department heads, residence life staff, and counselors.

Roberts Wesleyan College and Northeastern Seminary do not have any officially recognized student organizations with non-campus locations.

Crime Prevention/Safety Awareness

Crime prevention is the responsibility of all members of the Roberts Wesleyan College/ Northeastern Seminary 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 Health Services, Student Services, Resident Directors as well as faculty and student representatives. The Security Committee refers recommendations to the College Safety Team. The purpose of the Safety Team is to lead in safety initiatives to enable the College 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 through the Vice President for Student Organization & Development.

Incoming undergraduate students are made aware of campus security procedures and practices during new student orientation and resident hall floor meetings. Faculty and staff are trained annually on topics at staff training events. At the beginning of the fall semester, incoming traditional undergraduate students are required to attend an assembly which covers campus safety and security procedures and encourages students to be responsible for their own safety and the safety of others. Students are also provided with information and strategies to prevent them or others from becoming victims of crime.

A plan is in place for ongoing prevention and awareness programs for students and employees that include a social media campaign including campus LCD boards, monthly email updates as well as dorm floor meetings with residents.

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 door at your residence hall room, whether or not you are there.
- Keep windows closed and locked when you are not there.
- Do not prop doors open to residence halls or other protected locations.
- Be aware of your 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 RWC 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 College has established these policies in an effort to ensure the most positive learning environment for all students. General personnel policies for College employees prohibit the possession or use of alcoholic beverages, tobacco or illegal drugs on College premises. The College Undergraduate Student Handbook prohibits 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. A violation of these policies is considered a major infraction. Possible sanctions for major infractions include suspension, leave of absence, or expulsion. 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 of tobacco products, including cigarettes, e-cigarettes, cigars, chewing tobacco or snuff.

- Being in the presence of any other person on-campus who is engaging in a violation of the Campus drug or alcohol policy.

The College's alcohol and drug policies are shared with resident students during dorm meetings and with new students during the application process of "understanding rules." 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 College's counseling office. Students seeking this help are referred to Unity Chemical Dependency. Unity 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. Employees seeking assistance are allowed six paid sessions with Agape Counseling Services or Restoration Counseling Services.

Health Risks

Alcohol: Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses including acquaintance rape, vandalism, fights and incidents of drinking and driving. Continued abuse may lead to dependency which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

Marijuana: The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28-30 days.

Cocaine/Crack: Cocaine users often have stuffy, runny noses and may have perforated nasal septum. The immediate effects of cocaine use include pupils and elevated blood pressure, heart rate, respiratory rate and body temperature followed by depression. Crack or free-baser rock cocaine is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions and even death.

Heroin: Is an opioid drug that is synthesized from morphine, a naturally occurring substance extracted from the seed pod of the Asian opium poppy plant. Heroin can be injected, inhaled by snorting or sniffing, or smoked. All three routes of administration deliver the drug to the brain very rapidly, which contributes to its health risks and to its high risk for addiction. Heroin overdoses frequently involve a suppression of breathing. This can affect the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia can have short- and long-term psychological and neurological effects, including coma and permanent brain damage.

Methamphetamine: Is an extremely addictive stimulant drug that is chemically similar to amphetamine. Methamphetamine increases the amount of the neurotransmitter dopamine, leading to high levels of that chemical in the brain. Methamphetamine's ability to release dopamine rapidly in reward regions of the brain produces the euphoric "rush" or "flash" that many users experience. Because the pleasure also

fades quickly, use can easily lead to addiction. Methamphetamine can cause anxiety, confusion, insomnia, and mood disturbances and display violent behavior. Use may also cause symptoms of psychosis, such as paranoia, visual and auditory hallucinations, and delusions.

Hallucinogens: Lysergic acid (LSD) mescaline and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even when use is ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

The following summary is only intended to be a general overview of state and federal laws regarding the possession, use and distribution of illicit drugs and alcohol and not a definitive explanation of the law.

NY State Laws	Law	Penalty
Alcohol	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.
Illicit Drugs	Unlawful possession of marijuana.	Up to a \$100 fine.
	Subsequent violations of marijuana possession.	May result in fines to \$250 and/or imprisonment of up to 15 days.
	Selling more than 16 ounces of marijuana.	A felony punishable to up to 15 years in prison.
	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.
Federal Laws	Law	Penalty
Illicit Drugs	First conviction of illegal possession of a controlled substance.	May result in imprisonment for up to one year and/or a fine of up to \$100,000.
	Subsequent conviction for illegal possession of a controlled substance.	Subsequent convictions carry stiffer criminal penalties. Other penalties may apply, such as forfeiture of property used in connection with the crime, denial of certain federal benefits, and revocation of certain federal licenses.
	Federal trafficking of marijuana (depends on the form of the substance, quantity and record of the violator).	A first offense violation may result in five years to life imprisonment (depending on the quantity) and/or a fine of \$250,000 to \$4 million.
	Federal trafficking of controlled substances such as heroin, cocaine, PCP and LSD (depends on the substance, quantity and record of the violator).	Penalties range from five years to life imprisonment and/or fines of up to \$8 million (within 1,000 feet of a University, prison terms and fines are twice the regular penalties for the offense, including a mandatory prison sentence of at least one year).

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

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.

Firearms and Weapons Policies

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

The 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 College 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 College community. Toward that end, the College 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 College official.

The College 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 College 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 College 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 College's responsibilities.

As a complainant of sexual assault, dating violence, domestic violence or stalking, you will receive a written explanation of your rights and options. The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. 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. We also offer 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 College may impose following a report through the final determination of our discipline process.

Title IX Coordinator and Title IX Officer: Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. All sexual misconduct complaints and grievances made under Title IX, including allegations of domestic violence, dating violence, sexual assault and stalking, will be handled under this Policy.

The College's Title IX Coordinator is the Director of Risk and Compliance. She can be reached by calling 585.594.6222 or by emailing robertson_monika@roberts.edu. The Title IX Coordinator is:

- responsible for intake of Title IX complaints or allegations;
- oversight of the investigation and resolution of all Title IX reports of sexual harassment involving students, including sexual assault;
- knowledgeable and trained in relevant state and federal laws and the College'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 College, both informally and formally, and the courses of action available externally, including reports to law enforcement;
- available to provide assistance to any College community member regarding how to respond appropriately to reports of sexual assault and harassment;
- responsible for communicating complaints and outcomes with the Title IX Officer.

The College's Title IX Officer is the Vice President for Student and Organizational Development. She can be reached by calling 585-594-6350 or by emailing loganr@roberts.edu. The Title IX Officer is:

- responsible for monitoring full compliance with Title IX requirements and timelines specified in the complaint procedures; and
- ensuring required reports are compiled.

Refer to Roberts Wesleyan College Administrative Policy #108- **Sexual Misconduct & Title IX Policy**.

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

Respondent: The person alleged to have violated 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.

New York Education Law Article 129-B states "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 results from coercion, intimidation, force or threat of harm. Consent may be withdrawn at any time and when withdrawn, requires stopping sexual activity. Any prior sexual activity with a person does not constitute consent to any other sexual act with that person.

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.

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 except 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 College 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 College’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 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 incoming traditional undergraduate, international students and student-athletes. Graduate, non-traditional and commuter students receive information about this policy via an annual email.

For Faculty and Staff:

Faculty and staff are trained annually on the topics above at faculty schools' meetings (faculty) and at staff training events such as Staff Enrichment Day or summer mandatory training (staff). 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 college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in a number of areas. Roberts Wesleyan College 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 College 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 Student Health 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, 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 College encourages victims to contact appropriate authorities as soon as that individual is prepared to make a report of the incident, including contacting:
 - Monika Robertson, the Title IX Coordinator, at 585.594.6222 or emailing robertson_monika@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 College 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 college 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 College 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 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, student workers or interns are strongly encouraged to report any incidents of domestic violence, dating violence, sexual assault and stalking to Monika Robertson, the College's Title IX Coordinator, who can provide assistance in addressing the incident through consultation and investigation. One can reach Monika by calling 585.594.6222, emailing robertson_monika@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 College Campus Safety officers understand the College'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 Executive 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 St., 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 College 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 College is not obligated to begin an investigation. However, the College may use the information you provide to inform the need for additional education and prevention efforts on campus and in College 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 College 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 College’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 College’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 College 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 College may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the College determines that its failure to act may result in harm to you or other members of the College 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 College will only share information with people responsible for handling the College'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

Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and identifying systemic issues. The College 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 College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College 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 College officials or law enforcement will not be subject to

the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

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 College students or employees who report conduct allegedly in violation of the College'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 College courteous, fair, and respectful health care and counseling services, where available;
- be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- be protected from retaliation by the College, any student, the accused and/or the Responding Party, and/or their friends, family, and acquaintances within the jurisdiction of the College;
- access to at least one level of appeal of a determination;
- be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused or 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 College

The College 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 College 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 College may issue an institutional no contact order if deemed appropriate. If the College receives a report that such an institutional no contact order has been violated, the College 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.

Interim (protective) Measures

Upon receipt of a report of domestic violence, dating violence, sexual assault and stalking, the College will evaluate and, in its discretion, impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. Any such measure will be aimed at reducing the burden on the Reporting Individual. The College will implement interim measures promptly and at no cost to the parties. If the accused and a Reporting Individual observe each other in a public place, it shall be the responsibility of the accused to leave the area immediately and without directly contacting the Reporting Individual. The College is obligated to comply with a student's reasonable request for living and/or academic situation change following an alleged sex offense.

A Reporting Individual or Respondent may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process. The College will maintain as confidential any accommodation(s) or protective measure(s) provided to the Reporting Individual to the extent that maintaining such confidentiality will not impair its ability to provide the accommodation(s) or protective measure(s). Any individual who becomes aware of the failure of another individual to abide by any restrictions imposed by an interim measure are encouraged to report their concerns to the Title IX Coordinator or Campus Safety. The College will take immediate and responsive action to enforce a previously implemented measure.

Potential interim measures that may be applied to the Reporting Individual and/or the Respondent include:

- access to counseling services and assistance in setting up an initial appointment, on and off campus;
- imposition of an on-campus “no contact” directive, which requires the Respondent to immediately leave any public place in which the Reporting Individual and Respondent observe each other without directly contacting the Reporting Individual;
- rescheduling of exams and assignments;
- providing alternative course completion options;
- changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
- changing work schedules or job assignments;
- changing a student’s College’s-owned housing;
- assistance from College’s support staff in completing housing relocation;
- limiting an individual’s or organization’s access to certain College’s facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- providing an escort to ensure safe movement between classes and activities;
- providing medical services;
- providing academic support services, such as tutoring;
- College-imposed leave or separation; and/or
- any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.

Review of Certain Interim Measures

No Contact Orders

With respect to no contact orders, both parties shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of their request.

Other Interim Measures

With respect to changes to academic, housing, employment, and transportation arrangements in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment, both parties shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of such interim measure that directly affects the party, and shall be allowed to submit evidence in support of their request.

Interim Suspensions

If the Title IX Coordinator, in consultation with the Director of Campus Safety and Dean of Students, determines that a student alleged to have violated this Policy presents a continuing threat to the health and safety of the community, an interim suspension may be imposed on that student until the resolution process is completed. This action assumes no determination of responsibility and the investigation will be completed as soon as possible under the circumstances and consistent with the College’s time frame for investigations.

Review of Interim Suspensions

Both parties shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of their request.

Imposed Leave

Similarly, the College may impose leave on any employee. The terms of all such leaves shall be determined in the College's sole discretion.

Retaliation Prohibited

Retaliation against a person for making a report under this policy, for filing a complaint, for supporting a Reporting Individual or Respondent or for participating in an investigation is strictly prohibited and will not be tolerated. Retaliation is any action taken in consequence or retribution for making a complaint or participating in a complaint. Retaliation is a serious offense that can lead to disciplinary action, independent of the merits of the original misconduct allegation.

Victim Resources

The College'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 College or law enforcement. The College 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, Chaplain, and Student Health Services Staff 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. Annually, the Dean of Students will meet with the pastoral and professional counselors to review procedures, if and when they deem it appropriate, to inform the persons they are counseling of the process to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of 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 Counseling Center, located in the upper level of the Voller Athletic Center (across from the mailroom). You can reach the Counseling Center by calling 585.594.6882 (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 Counseling Center for information. Counselors will not reveal your identity to anyone without your permission. When classes are in session, the Counseling Center is open Monday through Friday from 9:00 a.m. to 5:00 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 Counseling Center is closed over breaks and during the summer. Visit the website for more information: <http://www.roberts.edu/student-experience/counseling-center.aspx>

The College Chaplain can serve as a confidential resource. You can contact the Chaplain by visiting the Chaplain's office, located in the upper level of the Voller Athletic Center, or by calling 585-594-6530.

Health

The Student Health Center, located in Suite 231 of upper Voller Athletic Center. You can also reach the Health Center by calling 585.594.6360. Health Center staff can assist you with initial assessment after an incident. In fall and spring semesters, Nurse Practitioners are in the Health Center at various times. During the summer students may still call the Health Center for referrals to other health care providers and resources. Hours of availability can be found at the Health 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 International Engagement and English Language Institute Director Julie Rushik who can be reached at 585.594.6493.

Student Financial Aid

The Office of Student Development 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 College 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)
- 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 Student Health 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 College 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 College 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 College, the individual will be immediately advised to do so. The College 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, 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.

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 12th 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 College encourages reporting of all incidents of domestic violence, dating violence, sexual assault and stalking to Campus Safety or the Title IX Coordinator or any other employee or staff member, who can help you report to the Title IX Coordinator. For sexual harassment/ misconduct incidents involving employees should be directed to the Office of Human Resources. Formal complaints alleging a violation(s) of this Policy may be made orally or in writing, and may come directly from a Reporting Individual or through the report of any non-confidential employee, and must include, at a minimum, the time, place, and nature of the alleged offense and the name of the Respondent.

When a complaint is made, the College 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 College will assist in contacting law enforcement if requested to do so.

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

After receiving a complaint, the Title IX Coordinator will determine if the conduct alleged by the Reporting Individual falls within this Policy. The Title IX Coordinator's evaluation will include an assessment of any risk of harm to individuals or to the campus community and will take necessary action to address those risks (such as interim protective measures to provide for the safety of the individual and the campus community). As necessary, one or more additional campus officials may also be involved in this evaluation. This evaluation will typically be aided by a preliminary meeting between the Title IX Coordinator and the Reporting Individual. The purpose of the preliminary meeting is to:

- assess the nature and circumstances of the allegation;
- address the immediate physical safety and emotional well-being of the Reporting Individual;
- notify the Reporting Individual of the right to contact law enforcement (or not) and seek medical treatment;
- notify the Reporting Individual of the importance of preservation of evidence;
- provide the Reporting Individual with information about on- and off-campus resources;
- notify the Reporting Individual that the institution can provide assistance in initiating legal proceedings in family court or civil court;
- notify the Reporting Individual of the range of interim measures and responses;
- provide the Reporting Individual with an explanation of the procedural options;
- assess for pattern evidence or other similar conduct by Respondent;
- assess the reported conduct for the need for a timely warning under the Clery Act;

- discuss the Reporting Individual's expressed preference for the manner of resolution and any barriers to proceeding; and
- explain the College's policy prohibiting retaliation.

The Title IX Coordinator will continue to evaluate the need for interim measures to protect or support the parties to the process and any involved third parties on an ongoing basis.

The College handles complaints as swiftly and yet as carefully, confidentially, and conscientiously as possible. The College believes complaints are best handled in a time frame that permits prompt, accurate reporting and investigation of all information.

Time Frame for Addressing a Complaint

When a complaint is referred for resolution as described below, the College 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. In the event of such an extension, the College will provide written notice to all parties of the reason and the expected adjustment in time frames. The College will make its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Evaluation of Response Options

If after reviewing a complaint the Title IX Coordinator determines that no action can be taken because the Respondent is not a member of the College community, the Title IX Coordinator will assess the information given and provide appropriate recommendations and resources to the Reporting Individual.

When the Title IX Coordinator determines that the act, if proven, does not fall within this Policy, no further action will be pursued and the Reporting Individual will be advised by the Title IX Coordinator of other avenues of recourse and support as appropriate.

When the Title IX Coordinator determines that the alleged act falls within this Policy, the Title IX Coordinator will analyze and discuss with the Reporting Individual the most appropriate response option, which may be non-disciplinary resolution, informal resolution or formal resolution through an investigation.

The Title IX Coordinator will work with students involved in domestic violence, dating violence, sexual assault and stalking cases to evaluate reasonable and available accommodations and implement them as requested and needed.

Non-disciplinary Resolution

Non-disciplinary resolution does not involve disciplinary action against a Respondent. The College will make the decision to pursue a non-disciplinary response after gathering information about the nature and scope of the conduct. The College can reach this decision at any time, however, participation in a non-disciplinary response is voluntary, and a Reporting Individual can request to end a non-disciplinary response at any time.

Where the Title IX Coordinator concludes that this type of resolution may be appropriate, the College, in consultation with the Reporting Individual, will take immediate and corrective action through the imposition of individual and/or community remedies designed to maximize the Reporting Individual's access to RWC's educational and extracurricular activities.

Examples of potential **remedies for individuals** include the interim measures discussed in this policy.

Potential **remedies for the community** include targeted or broad-based educational programming or training.

Informal Process

Informal problem-solving approaches are available for the resolution of some domestic violence, dating violence, sexual assault 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 College. The College will not compel a Reporting Individual to engage in mediation. The Reporting Individual 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 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

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 Officer/ VP for Student and Organizational Development. The Title IX Officer/ VP will review and approve any disciplinary actions. In the event that the Title IX Officer/ VP does not approve, the Title IX Officer/ 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 Officer/ 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 College 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 College'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 by individuals who receive annual training in conducting investigations of 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.
- 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 college 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 College.

- The right to continue the College 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.
- 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.

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 Officer/ 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 Officer 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.

Transcript Notations

New York law requires the College to make specific notations on the transcripts of Respondents found responsible for the following conduct prohibited by this Policy: sexual assault, dating violence, domestic violence, and stalking.

- Students suspended after a finding of responsibility will receive the following notation on their transcript: "suspended after a finding of responsibility for a code of conduct violation." Such notations are eligible for removal one year after the conclusion of the suspension if the suspended student seeks removal of the notation by appealing to the Title IX Officer/ Vice President for Student Organization and Development. A student seeking removal of the notation should contact the Office of the Title IX Officer/ Vice President for Student Organization and Development for appeal procedures.
- Students expelled after a finding of responsibility will receive the following notation on their transcript: "expelled after a finding of responsibility for a code of conduct violation." Such notation shall not be eligible for removal.
- Students who withdraw pending resolution of alleged violations of this Policy will receive the following notation on their transcript: "withdrew with conduct charges pending." Such notation shall not be eligible for removal unless the charges are later resolved.
- If the College vacates a finding of responsibility for any reason, any such transcript notation shall be removed.

Disciplinary Records

Disciplinary files are confidential in nature. The files for domestic violence, dating violence, sexual assault and stalking cases will include: notices sent to the parties, documentation regarding no contact orders and other interim measures, the investigative report and supporting materials, and appeal materials.

Disciplinary files will be maintained for seven (7) years after the most recent reported incident. Disciplinary files for students who withdraw from the College or are suspended or expelled for disciplinary reasons are maintained for an indefinite length of time depending upon the circumstances. The College reserves the right to notify parents of dependent students when student conduct action has resulted in serious disciplinary sanctions.

Notification to Victims of Crimes of Violence

The College 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 College 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 or 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

2018: **No Hate Crimes Reported**

2017: **No Hate Crimes Reported**

2016: **One Hate Crime Reported**

- One Larceny-theft reported on campus in a residential facility characterized by a race bias.

Unfounded Crimes Reporting

There were no Unfounded Crimes during this reporting period of 2016, 2017, and 2018.

Criminal Offenses Reporting Table					
Offense	Year	On-Campus Property	On-Campus Student Housing Facility	Non-Campus Property	Public Property
Murder/Non-negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	1	1	0	0
	2017	3	3	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	4	4	0	0
	2017	4	4	0	0
	2018	1	1	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	1	1	0	0
	2017	0	0	0	0
	2018	0	0	0	0

Arrests and Disciplinary Referrals Reporting Table

Drug Law Arrests	2016	0	0	0	0
	2017	0	0	4*	0
	2018	0	0	0	0
Weapons Law Arrests	2016	0	0	0	0
	2017	0	0	1*	0
	2018	0	0	0	0
Liquor Law Arrests	2016	0	0	0	0
	2017	0	0	0	1
	2018	1	0	1*	1
Drug Law Violations Referred for Disciplinary Action	2016	2	2	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2016	25	25	0	0
	2017	8	8	0	0
	2018	6	6	0	0

VAWA Offenses Reporting Table

Domestic Violence	2016	0	0	0	0
	2017	0	0	6*	0
	2018	1	1	0	0
Dating Violence	2016	0	0	0	0
	2017	2	2	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	2	2	0	0

Geography

Statistics for **on-campus property** include incidents at the Roberts Wesleyan College and Northeastern Seminary campus as well as all on-campus student housing.

Statistics for **on-campus student housing facility** include Miner Hall, Magill Hall, Updyke Hall, Obrien 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 buildings/property used by the college for instructional purposes and frequently used by students. This would also include short-stay “away” trips (including athletic events) where students would spend more than one night as well as repeated use of a location where students are on an overnight trip every year and students stay in the same hotel each year.

*2018 “Non-Campus Property” statistics- St. Joseph’s School of Nursing report (1) DWI arrest on public property.

*2017 “Non-Campus Property” statistics- (3) drug law arrests at 800 Long Pond Road reported by the Town of Greece Police Department. (1) drug law arrest at 350 Parish Street reported by the City of Canandaigua Police Department. (1) weapons law arrest at 800 Long Pond Road reported by the Town of Greece Police Department.(6) domestic violence incidents at 1555 Long Pond Rd reported by the Greece Police Department. The Town of Greece Police Department reported (4) incidents of “other sex offenses”. (1) incident at 1555 Long Pond Road, (1) incident at 1565 Long Pond Road,(2) incidents at 800 Long Pond Road. The specific location and nature of the sex offenses was not provided.

Annual Fire Safety Report

The College 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 College, 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 College 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.

- All buildings at the College are equipped with automated fire alarm systems and monitored 24 hours a day by Simplex-Grinnell (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 Simplex-Grinnell. 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 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.
- Each semester Campus Safety performs two (2) fire drills in each dorm. One drill is done in the evening and one at night. 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

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 College 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, microwave, 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 guilty of this offense faces a maximum penalty of expulsion from the College.
- 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.

Statistic and Related Information Regarding Fires in Residential Facilities for 2016

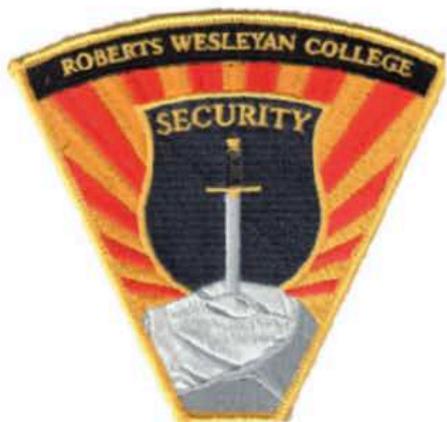
Residential Facilities		Total fires in each building	Fire number	Cause of fire	Numbers of injuries that required treatment at a medical facility	Number of deaths related to a fire	Value of property damage caused by fire
O'Brien	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Magill	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Anderson	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Updyke	2301 Westside Drive	1	1	Unintentional kitchen fire caused by electrical issue with microwave	0	0	\$96,000
Miner	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Davison	5 Nelson Morton Drive	1	1	Unintentional pot left on stove causing pot to melt.	0	0	\$20
DeBarr	9 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Adams	2 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Daley	4 Nelson Morton Drive	1	1	Unintentional pot left on stove causing food to burn.	0	0	0
Whittingham	10 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Sittig	12 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Morrow	13 Nelson Morton Drive	1	1	Unintentional heat lamp fell onto dart board.	0	0	\$25
Mohnkern	11 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Beeson	3 Nelson Morton Drive	1	1	Unintentional grease flare up while cooking.	0	0	0

Statistic and Related Information Regarding Fires in Residential Facilities for 2017

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	N/A
Magill	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Anderson	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Updyke	2301 Westside Drive	1	1	Unintentional food package left unattended in microwave	0	0	0
Miner	2301 Westside Drive	1	1	Dryer belt	0	0	\$50
Davison	5 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
DeBarr	9 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Adams	2 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Daley	4 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Whittingham	10 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Sittig	12 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Morrow	13 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Mohnkern	11 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Beeson	3 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A

Statistic and Related Information Regarding Fires in Residential Facilities for 2018

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	N/A
Magill	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Updyke	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Miner	2301 Westside Drive	0	0	N/A	N/A	N/A	N/A
Davison	5 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
DeBarr	9 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Adams	2 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Daley	4 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Whittingham	10 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Sittig	12 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Morrow	13 Nelson Morton Drive	1	1	Grease flare-up while cooking	0	0	0
Mohnkern	11 Nelson Morton Drive	0	0	N/A	N/A	N/A	N/A
Beeson	3 Nelson Morton Drive	2	1	Plastic container in microwave	0	0	0
			2	Grease flare-up while cooking	0	0	\$685



CAMPUS SAFETY AND SECURITY

585.594.7777 or ext. 7777