



**2021**  
**Annual**  
**Fire Safety**  
**&**  
**Security Report**

# Table of Contents

The Clery Act.....	3
Important Numbers .....	3
Preparation and Disclosure of Crime Statistics .....	4
Daily Crime Log and Fire Log .....	5
Dominican College Security Policies and Procedures .....	7
Annual Fire Safety Report.....	8
Dominican College Facilities Name and Addresses.....	9
Fire Safety.....	10
Emergency Evacuation Drill .....	16
Emergency Response Framework .....	17
Notification to the College Community about an Immediate Threat .....	18
COVID-19 Pandemic .....	22
Sexual Misconduct Policy .....	22
I.    Introduction.....	22
II.   Prohibited Conduct and Relevant Definitions .....	23
III.  How does the Sexual Misconduct Policy impact other campus disciplinary policies? .....	26
IV.   General Rules of Application.....	26
V.    Bill of Rights .....	26
VI.   Amnesty Provision.....	27
VII.  The Importance of Preserving Evidence and Forensic Examinations .....	27
VIII. Reporting a Potential Policy Violation.....	28
IX.   Dominican College’s Response to Sexual Misconduct Reports .....	29
X.    Initiating a Formal Complaint with the College.....	30
XI.   Optional Informal Resolution .....	33
XII.  Formal Investigation and Grievance Hearing Phases.....	33
XIII. Transcript Notations.....	39
XIV.  On-Campus Resources.....	39
XV.   Off-Campus Resources .....	39
XVI.  Education, Awareness, and Training Programs .....	40
XVII. Campus Climate Surveys .....	41
XVIII. Record Keeping.....	42
What to Do If You or Your Friend Were Sexually Assaulted.....	42
Assistance for Victims: Rights and Options.....	43
How to be an active bystander .....	43
Risk Reduction .....	44
Disciplinary Procedures (other than sexual offenses).....	45
Incident Reporting, Emergency or Safety Concern .....	46
Campus Security Authorities.....	47
Sex Offender Registration.....	49
Campus Law Enforcement Policy .....	50
Policy Statement Addressing Counselors.....	51
Missing Student .....	51
Prevention and Education Services Programs.....	52
Drug Free Campus .....	54
Campus Crime Statistics .....	56

Security Do's and Don'ts.....	59
Dominican College Policies on Alcohol and Other Drugs .....	59
Discrimination Policy.....	61
General Security Related Regulations .....	61
Parking and Traffic .....	61
Dominican College Campus Map.....	67
Clery Definition .....	68
New York State Penal Law Definitions .....	70

## The Clery Act

The Jeanne *Clery* Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the *Clery Act* and the Violence Against Women Act of 2013, requires an institution to prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:

- Publish an annual report every year by October 1 that contains three years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public property, and certain noncampus buildings or properties. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities”;
- Provide “timely warning” notices for any *Clery Act* crime that represents an ongoing threat to the safety of students or employees;
- Issue an emergency notification 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 the campus;
- Disclose in a public crime log “any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”;
- Maintain in a public fire log a record of any fire that occurred in an on-campus student housing facility.
- Disclose missing student notification procedures that pertain to students residing in an on-campus student housing facility
- Disclose fire safety information related to an on-campus student housing facility.
- Provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking; provide primary prevention and awareness programs to all incoming students and new employees; and provide ongoing prevention and awareness campaigns for students and employees.
- Disclose procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.

**The Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act)** requires higher education institutions to collect, report and disseminate reported crime data and information and fire statistics to the campus community, the Department of Education, and prospective students and employees. This report contains crime data as classified by the definitions from the Federal Bureau of Investigations Uniform Crime Reporting Handbook (UCR). As per Clery Act regulations, this report contains data from the 2020, 2019, and 2018 calendar years.

## Important Numbers

ON CAMPUS EMERGENCY 914-403-7531

OFF CAMPUS EMERGENCY 911

Nyack Hospital 845-348-2000

Good Samaritan Hospital 845-368-5000

Orangetown Police Department 845-359-3700 / 911

Rockland County Sheriff's Department 845-638-5400

NYS State Police 845-364-0200

Rockland County Crisis Hotline 845-348-6700

Rockland Paramedic Services Behavioral Response Team 845-517-0400

NYS Sex Offender Registry 1-800-262-3257

### **Dominican College**

DC Counseling Services 845-848-4036/37

DC Health Services 845-848-7918

Title IX Officer Ms. Christine Dilts 845-848-5012

DC Residence Life 845-848-7600  
DC VP & Dean of Student Development 845-848-4079  
DC Maintenance/Facilities 845-848-4058  
DC Athletics 845-848-7700  
DC Main Switchboard 845-848-7800

### **Domestic Violence and Sexual Assault Resources**

#### *Orangetown Police Department*

26 Orangeburg Road Orangeburg, NY 10962  
845-359-3700

#### *Rockland County Sheriff's Department*

54 New Hempstead Road New City, NY 10954  
845-638-5400

#### *New York State Police- Haverstraw*

8 Thiells Mt. Ivy Road Pomona, NY 10970

#### *New York State Police Dedicated Sexual Assault 24 Hour Hotline*

1-844-845-7269

#### *"Spirit of Rockland" Special Victims Center – Rockland District Attorney's Office*

845-638-5051

#### *Center for Safety and Change (formerly Rockland Family Shelter)*

845-634-3344

#### *New York State Domestic and Sexual Violence Hotline*

1-800-942-6906

## **Preparation and Disclosure of Crime Statistics**

The *Clery Act* requires institutions to disclose statistics for crimes based on (1) where the crime occurred, (2) to whom the crimes were reported, (3) the types of crimes that were reported, and (4) the year in which the crimes were reported.

1. Where crimes occurred—institutions must disclose statistics for reported *Clery Act* crimes that occur:
  - a. On Campus (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
  - b. Noncampus (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
  - c. Public Property—All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
  - d. On-Campus Student Housing Facility—Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

2. To whom the crimes were reported—Under the *Clery Act*, a crime is “reported” when it is brought to the attention of a campus security authority, the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party, or even the offender. It does not matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a campus security authority receives a report, he or she must include it as a crime report. Therefore, statistics are based on reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to include the reported crime in the institution’s crime statistics.
3. The types of crimes that were reported—The *Clery Act* directs the disclosure of the following categories of crime statistics:
  - a. Criminal Offenses—Criminal Homicide, including Murder and Nonnegligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (including Rape, Fondling, Incest and Statutory Rape); Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson
  - b. Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias
  - c. VAWA Offenses—Any incidents of Domestic Violence, Dating Violence, and Stalking
  - d. Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations
4. The year in which the crimes were reported—Statistics for all *Clery Act* crimes must be reported by the year in which the crime was reported.

This report is prepared by Dominican College Department of Public Safety and Security in cooperation with the local law enforcement agencies surrounding our campuses, student life, general counsel, Title IX, and business affairs. Each entity provides updated information on their educational efforts and programs to comply with the act. Campus crime, arrest, and referral statistics include those reported to the Dominican College Department of Public Safety and Security, student conduct advisors, campus security authorities, and local law enforcement agencies. A procedure is in place to anonymously capture crime statistics disclosed confidentially to student health services; to the campus support advisor for students; and during a pastoral counseling session or professional counseling session.

Each year, an e-mail notification is sent to all enrolled students and employees that provides the website to access this report. Copies of the report may also be obtained at the Department of Public Safety. All prospective employees may obtain a copy from the Office of Human Resources and the website address will be included on the Office of Human Resources Webpage and Handbook. All prospective students are provided with a direct link to the website to access the report.

Crime statistics for the University can also be found at the US Department of Education website at <http://ope.ed.gov/security>.

## Daily Crime Log and Fire Log

The College maintains a daily crime log and a fire log for our campus which contains on-campus student housing facilities.

### Crime Log:

The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents, not just Clery Act crimes that have been reported to the College for the most recent 60-day period occurring either (a) on campus, in or on non-campus buildings or property, (b) on public property within the campus or immediately adjacent to and accessible from the campus, (c) or within the patrol jurisdiction of Public Safety and Security.

The College’s Crime Log includes the following information:

1. Date the crime was reported.
2. Date and time the crime occurred.

3. Nature of crime.
4. General location of the crime; and the
5. Disposition of the complaint, if known.

A crime will be entered into the log within two (2) business days of when it was reported to Public Safety and Security. This includes crimes that are reported directly to Public Safety and Security, as well as crimes that are initially reported to another Campus Security Authority or to a local law enforcement agency, which subsequently reports the incident to Public Safety and Security. If multiple criminal offenses are committed during a single incident, all of the offenses must be recorded in the log. For purposes of this policy, a business day is Monday through Friday, except when the institution is closed (for example, closed for holidays or other scheduled breaks when no Public Safety and Security personnel are present).

An addition to an entry or a change in the disposition of a criminal complaint must be recorded within two (2) business days of the reporting of the information to Public Safety. For example, if a crime report is subsequently determined to be unfounded, it will update the disposition of the complaint to “unfounded”\* in the crime log within two (2) business days of that determination. Public Safety will not, however, delete the report from the Crime Log. The only exceptions to this rule are:

1. If the disclosure is prohibited by law; or
2. If the disclosure would jeopardize the confidentiality of the victim.

**\*Note:** Only sworn or commissioned law enforcement authorities that investigate a crime can make a determination that an alleged crime is “unfounded.” A Campus Security Authority who is not a sworn or commissioned law enforcement authority cannot “unfound” a crime.

#### **Fire Log:**

The purpose of the fire log is to record, by the date reported, any fire that occurs in an on-campus student housing facility that have been reported for the most recent 60-day period. The Fire Log is updated daily, Monday through Friday.

The Fire Log includes the following information:

1. The date the fire was reported;
2. The nature of the fire;
3. The date and time of the fire; and
4. The general location of the fire.

#### **Inspection of Crime and Fire Logs**

The crime and fire log for the most recent 60 days is open to the public for inspection during normal business hours. Portions of crime and fire logs that are older than 60 days will be made available for inspection within two business days. Archived Logs are maintained by the College for a period of seven (7) years. Information that could identify either the victim or the alleged perpetrator is excluded. To arrange a crime and fire log inspection, please contact the Director of Public Safety and Security.

# **Dominican College Security Policies and Procedures**

Dominican College is a community of faculty, students and staff, joined together in a common educational endeavor. It is the policy of the College to make every effort to provide an environment conducive to that endeavor: challenging, supportive, and free of interference in the peaceable and productive use of the College's facilities.

## **Access**

Accordingly, access to College facilities includes only members of the College, faculty, students, staff, authorized guests of the College and its members, and those having legitimate business with the College. Security personnel of the College are authorized to challenge visitors on campus grounds or in campus buildings in circumstances where that appears to be appropriate. Members of the College should be prepared to cooperate in providing the necessary identification.

## **Responsibility**

Campus security personnel are authorized to observe and report individuals violating the College property or the law and refer matters where appropriate to College authorities or local police agencies.

Nevertheless, security depends on the awareness and responsible action of each of us. We should all bear in mind our joint interest in the mutual security of all members of the College community. Campus security guidelines and "Do's" and "Don'ts" are distributed and are available to all students. Lectures and workshops are held annually to instruct new students and employees on College security policies and the part all individuals are asked to take in the prevention of criminal behavior and the mutual security of all. Schedules are posted throughout the year. Prompt reporting of all crimes to Campus Security, College officials and appropriate police agencies is encouraged and expected. Similarly, identification of unsafe conditions and/or related maintenance concerns is encouraged. A public "Daily Crime" log is maintained by the Director of Security. It is available for inspection, upon request, during normal business hours. The log contains any criminal activity (absent names) that may have occurred unless there are investigatory reasons for withholding this information. The Director of Security updates the College community regularly on security issues and steps to be taken in the case of another terrorist event.

## **Academic/Administrative Areas**

Security patrols cover the Casey Hall, Cooke Hall, Forkel Hall, Granito Center, Prusmack Center and Hennessy Center areas during hours of operation. Outside of those hours the buildings are secured and admittance is not permitted.

## **Hertel, Rosary, and Guzmán Residence Halls**

Security and public safety patrols will be present at the Residence Halls 24 hours a day.

Residents must show their College ID card when entering the building. Residents may have guests in public areas of the Residence Hall until 1:00 am. Overnight guests may be permitted if the guest is registered, with positive identification, with the Residence Life Director or Resident Assistant in the Residence Hall offices before 9:00 pm. All packages are subject to search.

A resident is responsible for the whereabouts and conduct of his/her guest for the entire time that the guest is present in the Residence Halls. Security of rooms in the Residence Hall depends on the awareness of each resident. Rooms should be kept locked when not occupied, visitors should be admitted only after identification, and unauthorized persons should be reported. Exterior doors of the building are kept locked, and should not be tampered with or held open by any device. All bags are subject to inspection.

## **Unauthorized Entry**

Unauthorized entry into Dominican College property, including but not limited to, entry into College-owned facilities and buildings and the unauthorized use of keys for access to College buildings or rooms, is strictly prohibited. Individuals violating this policy will be subject to appropriate discipline and, if applicable, criminal prosecution. Individuals noticing this type of behavior must contact Campus Security immediately.



## Security Maintenance

Public Safety and Security and Facilities are involved in making decisions about the maintenance and security of on-campus facilities and should be contacted with questions regarding these areas. Representatives from these departments regularly patrol and inspect the campus for security issues such as landscaping, locks, alarms, malfunctioning lighting, malfunctioning communication systems, and other unsafe physical conditions. Hazardous conditions are reported to Facilities for repair.

## Security Cameras

Security cameras records select areas of public interior and exterior areas of the College for security and operational issues. These cameras record 24/7 but are not monitored 24/7. They assist the College in monitoring and investigating any public safety issues occurring on campus.

## Annual Fire Safety Report

The College publishes this fire safety report as part of its annual Clery Act Compliance document, via this brochure, which contains information with respect to the fire safety practices and standards for DC. This report includes statistics concerning the number of fires in College residential housing, the cause of each fire as well as the number of injuries and deaths related to a fire. The office of Public Safety and Security is responsible for collecting fire statistics for the College residential housing.

The compliance document is available for review 24-hours a day on the College's website at <http://www.dc.edu/health-safety-wellness/security/989-2/>

Fire Statistics 2020	Hertel	Rosary	Guzman
Unintentional Fire	0	0	0
Intentional Fire	0	0	0
Undermined Fire	0	0	0
Number of Deaths	0	0	0
Number of Injured	0	0	0
Value of Property Damage	0	0	0

## Fire Safety Systems

Rosary Hall	Fire Lite MS 9600
Hertel Hall	Simplex Model 4020
Guzman Hall	Edwards System Tech 2

If a fire occurs in a DC building, community members should immediately notify 911. If a member of the College community finds evidence of a fire that has been extinguished, and the person is not sure whether security has already responded, the community member should immediately notify security, facilities, or residence life to investigate and document the incident.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshall can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety reasons. Fire drills are conducted quarterly. DC does not allow portable electrical appliances, smoking, and open flames in student housing facilities.

When a fire alarm is activated, the elevators will default to the ground floor and remain non-operational until they are reset. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone

button. The purpose of periodic fire drills is familiarizing the College community with active alarms, evacuation routes, and instructions and guidelines for evacuation.

## **Dominican College Facilities Name and Addresses**

Casey Hall	470 Western Highway, Orangeburg NY 10962
Cooke Hall	472 Western Highway, Orangeburg NY 10962
Deporres House	465 Western Highway, Orangeburg NY 10962
Hertel Hall	1 Campus Drive, Blauvelt NY 10913
Prusmack Center	3 Campus Drive, Blauvelt NY 10913
Granito Center	493 Western Highway, Blauvelt NY 10913
Hennessy Center	495 Western Highway, Blauvelt NY 10913
Rosary Hall	480 Western Highway, Blauvelt NY 10913
Forkel Hall	482 Western Highway, Blauvelt NY 10913
Guzman Hall	4 Campus Drive, Blauvelt NY 10913
Siena House	501 Western Highway, Blauvelt NY 10913
Doyle House	2 Convent Road, Blauvelt NY 10913
Veritas House	505 Western Highway, Blauvelt NY 10913
Building 463	463 Western Highway, Blauvelt NY 10913
House 503	503 Western Highway, Blauvelt NY 10913

## Fire Detection / Fire Alarms / Fire Extinguishers

BUILDING	ALARM TYPE	ALARM NOTIFICATION	FIRE EXTINGUISHER	COMMENTS
Casey Hall	Smoke Heat Carbon Anzel System	Audible Visual	Common Areas	
Cooke Hall	Smoke Heat Carbon	Audible Visual	Common Areas	
Deporres House	Smoke Heat Carbon	Audible Visual	Common Areas	Sprinkler System
Hertel Hall	Smoke Heat Carbon	Audible Visual	Common Areas	Sprinkler System Stand Pipes
Prusmack Center	Smoke Heat Carbon	Audible Visual	Common Areas	Sprinkler System Stand Pipes Gas shut off 3 <sup>rd</sup> floor
Granito Center	Smoke Heat Carbon	Audible Visual	Common Areas	Wet/Dry Sprinkler Anzel System in kitchen
Hennessy Center	Smoke Heat Carbon	Audible Visual	Common Areas	
Rosary Hall	Smoke Heat Carbon	Audible Visual	Common Areas	Sprinkler System Stand Pipes Fire Pump
Forkel Hall	Pull station only	Audible Visual	Common Areas	
Guzman Hall	Smoke Heat Carbon	Audible Visual	Common Areas	Wet/Dry Sprinkler Stand Pipe
Siena House	Smoke Heat Carbon	Audible	Common Areas	Sprinkler System
House 503	Smoke Carbon	Audible	Common Areas	
Doyle Hall	Smoke Carbon	Audible	Common Areas	
Veritas House	Smoke Carbon	Audible	Common Areas	

All detection systems, building sprinkler systems, fire extinguishers and fire hydrants are tested in accordance with designated state and local law.

## Fire Safety

Fire Safety is an important part of the daily activities at Dominican College. Fire drills are conducted in accordance with requirements prescribed by the NYS Office of Fire Prevention and Control. Routine inspections are conducted by Dominican

College Staff in addition to those conducted by the NYS Office of Fire Prevention and Control.

### **Fire Alarm Procedures / Fire Evacuation**

**R** – Rescue and relocate anyone in immediate danger.

**A** – Alert others by activating the building fire alarm system and calling 914-403-7531 from a safe location.

**C** – Confine the emergency by closing the doors.

**E** – Evacuate immediately. Do not use elevators. Use stairs. If there is smoke in the corridor, stay in room, close and seal doors, call 914-403-7531 and stand by the windows.

### ***YOUR GOAL IS TO GET OUT SAFELY***

#### ***If you cannot get out, follow the appropriate steps below***

- Before opening any doors, feel the door first. **If it is hot, don't open the door.** If it isn't hot, brace yourself against the door, open it slightly, and if heat or heavy smoke is present, close the door and leave by an alternate exit.
- If you can't leave the room, keep the door closed. Open the windows from the top to let out heat and smoke AND from the bottom to let in fresh air. Seal the bottom of your room door and any air vents with a rug, blanket, or towel. Then hang a light colored object (towel, bed sheet, shirt, etc.) out the window to attract the fire department's attention. If there is a phone in the room, call 914-403-7531 and report that you are trapped. Be sure to give your building name and location. Do not hang up until the dispatcher tells you to.
- If you can leave the room, leave a light on and close all the doors behind you. Leave all materials in your room or office to avoid wasting time. Take your key in case you cannot reach an exit and you have to return to your room.
- Go to the nearest exit or stairway. If the first exit is blocked, go to an alternate exit or stairway.
- **Never use an elevator during a fire emergency.** A mechanical or electrical failure could leave you trapped at the fire floor or between floors.
- If you are not able to self-evacuate proceed to an enclosed stairwell if available in your building. If you go to an enclosed stairwell, be sure to position yourself so as not to block or impede pedestrian flow or access to the stairwell.
- If you go to a stairwell or remain in a room, call Campus Security at 914-403-7531, giving your exact location – building, floor and stairwell/room number.
- If all exits are blocked, go back to your room, close the door, and open the window, as previously described.
- Stand clear of the area after evacuating to give emergency apparatus and personnel room to maneuver. Go to a designated meeting area and stay there. If possible, call Campus Security at 914-403-7531 and give as much information as possible.
- Each person not involved in the emergency procedures should follow the directions of the fire department, Campus Security, and other emergency personnel.
- No persons may re-enter an evacuated building until permitted to do so by Campus Security.
- Each student and employee has the responsibility of knowing the location of the fire alarm station, fire extinguisher, and primary and secondary exit routes for primary place of occupancy while on College property. Should a fire be discovered or suspected, a fire alarm should be sounded immediately. If time permits, call Campus Security at 914-403-7531 and activate the pull station.
- If you discover or suspect a fire, sound the building fire alarm immediately. All fires, even small ones, must be reported to Campus Security immediately.
- When an alarm sounds; every building occupant shall evacuate the building immediately. Treat every alarm as an actual emergency.
- Be especially aware of handicapped persons in your building. They may need your help to reach a point of safety such as a stairwell. Report to the command post the location of the handicapped individual.
- Rescue others only if you can do so safely.

### **Pre-Emergency Preparation**

- All members of the College community should become thoroughly familiar with their facility and the location of all its exits and areas of refuge.
- They should become familiar with the distinct sound of the fire alarm signal.
- They should seek out volunteers (buddy system) who might be able to assist them in an emergency.

- If wheelchair-confined, they should know the safest method people can use to assist them, and they should know how many people are needed to provide such assistance.
- Every person who is mobility-impaired as well as communication-impaired should place a sign on their wheelchair providing instructions on how they can be assisted. They should carry a loud whistle, horn, or similar device to alert people of their location if they become trapped or isolated.

### **Assisting an Individual with Disabilities**

Under the assumption that Campus Security will be the first responders to any fire incident, the Campus Security department should be made aware, on an on-going basis, of those persons with significant physical disabilities working, studying or living in any College facility.

### **Responsibility of Individuals with Mobility Impairment**

It is critical to the health and safety of mobility-impaired persons that they are knowledgeable of their needs during an emergency evacuation. They should be expected to convey these needs to their professor, or supervisor, at the beginning of their employment or academic year. In the event of a fire emergency, an individual with mobility impairment may choose one of the following alternatives:

- Proceed to an enclosed stairwell, accompanied by a partner or —buddy and wait inside the stairwell. Remain in the stairwell until the responding fire department arrives and safely completes the evacuation.
- Defend in place. Seek refuge in rooms or sections of a building, that by virtue of its construction associated with the location of the fire, will provide a safe area for persons to remain during a fire until rescue is made. The door should be kept closed. If possible, individuals should call Campus Security to advise them of their location.

### **Mobility Impaired – Wheelchair**

Individuals who use a wheelchair may need to be evacuated with the wheelchair particularly, if they use a respirator. During an emergency evacuation, it is preferable for someone to remain with and assist the non-ambulatory person if the “buddy” can do so safely.

### **Fire Safety Education and Training Programs**

Fire safety education and training are ongoing endeavors at Dominican College. New employees are provided the following information in their new employee packets; Emergency Plan Action Sheet, Evacuation Procedures, and the Emergency Framework Booklet.

Resident Life Professional Staff, Resident Assistants and Campus Safety Employees are provided fire safety training in partnership with the Orangetown Fire Department which is the local fire department. Additional Fire Safety Training is conducted as part of the annual RA Training Program.

All students are provided a copy of the Fire Safety Protocol for Fire Alarms in the Dominican College Student Handbook. The 2019-2020 Handbook is available at: <https://www.dc.edu/campus-life/student-resources/student-handbook/>.

Resident Students are provided initial fire safety training as part of the “move in weekend” programs. The Office of Residence Life hosted its annual RA fire safety training on Friday August 21, 2020. Additional fire safety training/refreshers is provided during the year as needed. For the calendar year 2019 there were 12 fire drills conducted in student housing.

### **Unit Visits/Safety Inspections**

Resident Assistants and Public Safety Officials make daily visits to student resident units during the academic year. The purpose of these visits is to develop community and positive relationships for our students. In addition the Resident Assistants and Public Safety Officials are trained to look for violations of the campus policies and general safety concerns, this includes but is not limited to; fire safety, alcohol and drug policies, health and welfare issues as well as general code of conduct concerns. Residents are given a list of prohibited items in their housing packets prior to move in weekend and are instructed to the rally point for fire alarms on move in weekend. Facilities Staff are also advised to be alert for safety concerns during routine maintenance and unit inspections. On the spot corrections are made as appropriate during all visits and inspections. If further attention is needed the appropriate department is notified.

## Building Evacuations

All building evacuations will occur at a fire alarm or upon notification from authorized personnel. All personnel will evacuate to at least 500 feet from the building. All exits are clearly marked. Once a building is evacuated, people may not re-enter until approval is given by the College President. In the President's absence, the Director of Public Safety and Security, Facilities Manager, Dean of Students, or the Chief of Orangeburg Fire Department shall act as the Official College Representative.

### Upon Discovery of a Fire or Other Significant Emergency:

- A building evacuation will occur when a fire alarm sounds, or upon notification from Security.
- Evacuation Monitors or other Dominican College officials will: Announce evacuation in a clear, calm voice; Oversee orderly evacuation of room; Shut doors and windows and turn lights off (if time allows); Escort evacuees to designated assembly area. Resident Assistant is the last to leave a given zone of responsibility. Evacuees will go to and remain at designated assembly area until released by authorized Dominican College official (President, Director of Security, Facilities Manager, Dean of Students or the Chief of Orangeburg Fire Department).

At all doorways, evacuees will look both ways to determine direction of emergency and then proceed with evacuation. Do not use elevators to evacuate building. For persons who are unable to vacate the building, an Emergency intercom is located in each Elevator Safe Area.

### Emergency Evacuation for Persons with Disabilities:

This section provides a general guideline of evacuation procedures for persons with disabilities who may have difficulty exiting during fire and other building emergencies. Faculty, staff, students, and visitors with disabilities must develop their own evacuation plans and identify their primary and secondary evacuation routes from each building they use.

- Be familiar with evacuation options.
- Seek evacuation assistants who are willing to assist in case of any emergency.
- Ask Supervisors, Faculty, Disabled Students Services, Department of Public Safety and Security, or Department of Facilities about evacuation plans for buildings.

### General Evacuation Guidelines for People with Disabilities (Mobility Related):

Do not use elevators unless authorized to do so by police or fire personnel. If the situation is life threatening, call 9+ 9-1-1 from a campus telephone, or 9-1-1 from a non-campus or pay telephone.

All emergency exit corridors and stairwells are resistant to fire and smoke for approximately two hours. **These are the safest areas during an emergency evacuation.** Disabled persons are advised to proceed to them. Rescue personnel are instructed to check all exit corridors and stairwells first for any stranded persons.

If people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using either an evacuation chair or carry technique. **Do not** evacuate the disabled in their wheelchairs unless circumstances require. This is standard practice to ensure the safety of disabled people and volunteers. **Attempt a rescue evacuation only if you have had rescue training or the person is in immediate danger and cannot wait for professional assistance. Consider your options and the risks of injuring yourself and others in an evacuation attempt. Do not make an emergency situation worse.**

### Evacuation Options for Individuals with Disabilities (Mobility Related):

In order to meet the guidelines listed above, there are three basic evacuation options;

- Horizontal Evacuation: using building exits to the outside ground level.
- Stairway Evacuation: using steps to reach ground level exits from the building.
- Shelter-in-Place: unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. With this approach, the person may keep in contact with emergency services by dialing 9+ 9-1-1 and reporting his or her location directly to Dominican College security or other emergency personnel. Emergency services will immediately relay this location to onsite emergency personnel who will determine the necessity for evacuation. Phone lines are expected to remain in service during most building emergencies. If the phone lines fail, the individual can signal from the window waving a cloth or other visible object.

A specific Resident Assistant will be assigned to respond to a disabled student's room upon notification of an emergency.

## Specific Guidelines for Unique Circumstances (Non-Mobility Related)

Prior planning and practicing of emergency evacuation routes are important in assuring a safe evacuation.

### Persons Who Are Not Able to Exit Using Stairs:

Persons using wheelchairs may evacuate horizontally into another building. Stairway evacuation of wheelchair users should be conducted by trained professionals e.g. Orangeburg Fire Department. Only in situations of extreme danger should untrained people attempt to evacuate wheelchair users. Moving a wheelchair down the stairs or moving an individual needing assistance should be consulted about the proper way to move him/her.

Persons with mobility impairments, reduced lung capacity, severe back ailments, heart disease, or other conditions that may cause him/her to navigate stairs slower than those without one of these conditions may be able to negotiate stairs in an emergency with minor assistance.

### Deaf and Hearing Impaired:

Deaf and hearing impaired persons may not hear audible fire alarms. Get the attention of a person with a hearing disability by touch or eye contact, or by turning the light switch on and off. Do not use the light switch method if you smell natural gas in the area. Clearly state the problem. Be prepared to write a brief note to advise of the situation and evacuation instructions.

A designated Resident Assistant will respond to a deaf and hearing impaired student's room upon notification of an emergency.

### Visually Impaired:

- Tell the person the nature of the emergency. Give verbal instructions to advise about the safest route or direction using estimated distances and directional terms.
- Do not grasp a visually impaired person's arm. Offer your arm for guidance.
- As you walk, tell the person where you are and where obstacles are located. When you reach safety, orient the person to the location and ask if further assistance is needed.

## Primary Assembly Area & Command Post

Evacuees will assemble in the Hennessey Center directly in the parking lot entrance off Western Highway. Keep streets, fire lanes, hydrants, and walkways clear for emergency personnel. Evacuation monitors will report completion of evacuation to Security or other designated Dominican College Official at the assembly area and remain there until released by a College Official. **Evacuees may be requested to move to an alternate site.** Names of persons not accounted for in the evacuation are to be given immediately to the Director of Security. A designated official will remain at the Emergency Operations Center at Casey Hall to facilitate communications with Dominican College Administrators, Evacuation Monitors, etc.

## Classrooms Emergency Procedures For Faculty

### Faculty and Adjuncts are expected to:

- Provide their classes or audiences with general information relating to emergency evacuation procedures. This information should be shared during the first week of class or at the start of a seminar.
- Know how to report an emergency from the classroom being used.
- Assure that persons with unique needs have the information they need. The faculty member should be familiar with the procedures for individuals with mobility challenges and be able to direct visitors with different needs.
- Take responsible charge of the classroom and follow emergency procedures for all building alarms and emergencies.

### As a faculty member, what do I need to know about Emergency Preparedness?

The faculty member is usually seen as an authority figure for the student, and can influence how the student responds in an emergency. Calm, collected, and clear directions given by the faculty member will have a calming effect on the students. Knowledge of the emergency evacuation procedures will enable the faculty member to promote orderly and safe evacuations.

1. **Emergency evacuation and Operations Plan (EEOP):** The College has a written emergency plan covering specific procedures for personnel to follow in case of an emergency. The department plans will focus on very specific issues and

procedures for their offices and employees. These plans will cover events such as: fire, earthquake, power outage, bomb threat, severe weather etc. Faculty will find it helpful to review both the Emergency Management Plan, and the College's evacuation procedures to see if the plans differ from the general information provided in this section.

2. **Emergency Assembly Points:** After the class leaves the alarmed building or area, it is important for them to go across the street and away from the building where the emergency is occurring. Additionally, faculty should instruct the students to neither interfere with responding emergency services nor place themselves at risk of injury from the emergency. The faculty member should report to Dominican College Security or other emergency personnel if someone from their class has not evacuated the building.
3. **Evacuation for Persons with Mobility Challenges:** If there is a person with a unique need in the class, the faculty member should be knowledgeable of the evacuation procedures. Options are available to persons with mobility challenges: (See section entitled, "Emergency Evacuations for Persons with Disabilities.")
4. **Reporting to emergency Response Individuals:** After exiting, the faculty member should inform emergency personnel of individuals with disabilities who are waiting to be evacuated or of individuals who are trapped in locations within the building.
5. **Fire Alarms:** Fire Alarms will be a sound of a slow **whoop, horn, or bell** and may include strobe lights for people with hearing disabilities. When the alarm sounds, everyone must exit the alarmed area according to the evacuation plan. **Everyone must evacuate immediately!** Individuals who need assistance during an evacuation are encouraged to self-identify and discuss their needs with someone in advance who might assist them in leaving the building and/or who will inform emergency personnel of their presence and where they are located so that further assistance can be provided.
6. **Earthquakes:** Interior items falling on the building occupants such as books, shelves, light fixtures, ceiling tiles and office equipment, cause most of the injuries that occur during earthquakes. Consequently, the first thing to do during an earthquake is to have everyone drop to the floor, cover his or her head, and hold that position. After the shaking stops, and if there is building damage, tell the class to collect its possessions and calmly evacuate the building. Caution them to watch for brick and other exterior building materials that may have been knocked loose by the earthquake.
7. **What to expect in a Power Outage:** If the power goes out during class, have the students stay in their seats for a short period and wait for the power to return. If the power does not return in a reasonable length of time (e.g. 30 minutes), then evacuate the classroom or laboratory. The evacuation route chosen should take advantage of available lighting unless the building is in alarm, and then use the same evacuation procedures as during a fire. Caution students that there is no rush and they should take their time exiting the building. Emergency lighting may or may not be functioning in the classroom, hallway, or stairways.
8. **How to Report an emergency:** Check each classroom, lecture hall, or laboratory for the nearest working telephone, the nearest life safety (fire) alarm pull station, and the nearest fire extinguisher.

#### **Orangeburg Fire Department**

Activate Fire Alarm, Pull Station, and if possible, call 9-1-1 or 845-359-5587

#### **South Orangetown Ambulance 845-359-3030**

Hazardous Material Spill

#### **Facility or Utility Failure**

Orange & Rockland Utilities, 877-434-4100

#### **How often are fire evacuation drills held, and what should I do if there is a drill during my class?**

1. Fire evacuation drills are held on a routine basis throughout the College. Each academic building will have three fire evacuation drills per calendar year. There should be one drill per semester.
2. Anytime you hear an alarm you should immediately evacuate using the exit nearest to your location. If there is an alarm (whether a scheduled drill or not), it is expected that you will evacuate and will instruct others to do so as well.
3. During an alarm you should follow the guidelines mentioned earlier in this document.
4. Fire evacuation drills are done quarterly in the dorms. Three daylight drills and one nighttime drill. Each dorm has a minimum of four drills a year. There were twelve (12) fire drills in total for all dorms in 2020.



## Emergency Evacuation Drill

An evacuation drill is coordinated by Department of Facilities, Department of Public Safety and Residence Life each semester for all residential facilities on campus. The emergency response and evacuation procedures are tested quarterly. Students learn the locations of the emergency exits in the buildings and are provided guidance about the directions they should travel when exiting each facility for a short-term building evacuation. We do not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Public Safety, Facilities, and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drill is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At DC, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants “practice” drill procedures, and familiarize themselves with the location of exits and the sounds of the fire alarm. Flyers with educational information are distributed to residents re-entering a facility immediately after an evacuation drill. In addition to educating the occupants of the building about the evacuation procedures the drill process also provides the College an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored the College Department of Facilities, the College Public Safety Department and Residence Life Staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be affected immediately. Recommendations for improvements are also submitted for consideration.

Students receive information about evacuation and shelter in place procedures during their first floor meeting and during other educational sessions that they can participate in throughout the year. Residence Life Staff members are trained in these procedures as well and act as an ongoing resource for the students living in residential facilities.

The Department of Facilities and the Department of Public Safety conduct announced and unannounced drills and exercises each year and conducts follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Fire drills are done quarterly in residential facilities. Three daylight and one nighttime drill. Each dorm has a minimum of four drills a year. There were twelve (12) fire drills in total for all dorms in 2020.

### **Shelter-in-Place Procedures – What it means to “Shelter-in-Place”**

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

### **Basic “Shelter-in-Place” Guidance**

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

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, including security, Housing Staff members, other College employees, Orangetown PD, or other authorities utilizing the College emergency communications tools.

### **How to “Shelter-in-Place”**

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:

- An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
  4. Turn off air conditioners, heaters, and fans.
  5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
  6. Make a list of the people with you and ask someone (house staff, faculty, or other staff) to call the list in to security so they know where you are sheltering. If only students are present, one of the students should call in the list.
  7. Turn on a radio or TV and listen for further instructions.
  8. Make yourself comfortable.

## Emergency Response Framework

Dominican College (D.C.) recognizes the importance of an integrated plan to ensure that our mission will continue in the event of an emergency. When an emergency occurs, response actions are guided by D.C.'s overriding emergency goals to primarily protect life and the safety of the college's students, faculty, staff and guests, and secondarily to protect the surrounding environment and College assets. The Emergency Framework (EF) outlines the college's procedures for managing major emergencies that may threaten the health and safety of our campus community or disrupt College programs and operations. At Dominican College, emergency preparedness responsibilities are shared throughout the college.

### Purpose

The purpose of the Dominican College Emergency Framework is to establish guidelines, assign responsibilities and promote awareness in responding to emergencies that may affect the D.C. Community. Additionally, the framework is designed to provide guidelines to assist those affected in dealing with crises, to coordinate with external entities and to provide resources to expedite the return to normal operations with minimal negative impact. This framework was created to complement plans that have been developed on the national, state, county and town levels.

### Emergency Framework Summary

The Dominican College Emergency Framework establishes the structure, processes and protocols for the College's response to major emergencies that could threaten the health and safety of the campus community or disrupt college programs and operations. The following emergencies which may affect Dominican College Campus include but are not limited to: **fire and explosion, extended power failure, hazardous materials release, adverse weather conditions, workplace violence, bomb threat, hostage situation, and localized flooding.**

Any college official can make an emergency decision. However, if timing allows, the Director of Campus Safety and Security (DCSS) will serve as the Incident Commander (IC) during an emergency. In the absence of the DCSS, the Assistant Director of Campus Safety and Security (ADCSS) will serve as the IC or the Facilities Manager (based on the emergency). **The DCSS or any cabinet member can authorize the closing of the college in an emergency if an immediate decision is needed and the president of the college is not available.**

The Incident Commander will assess the emergency and initiate an external emergency response by notifying any appropriate public emergency response agencies. The Incident Commander will also alert and assemble the Emergency Operations Team (EOT) as appropriate.

**Levels of Emergencies:** The EF is designed to provide guidelines for responding to a variety of incidents and emergencies that affect Dominican College. Not all emergencies require the same degree of response and each incident will be evaluated on a case by case basis. The designated level for an incident may change as emergency conditions intensify or ease.

**Level 1 (Minor Emergency)** – A *minor, localized department or building incident* that is quickly resolved with college resources or limited outside help. A Level 1 Emergency has little or no impact on personnel or normal operations outside the locally affected area. Level 1 Incidents *do not* require assembly of the Emergency Management Team (EMT) or activation of the Emergency Operations Center (EOC).

**Level 2 (Major Emergency)** – *A major emergency that disrupts sizeable portions of the campus.* Level 2 emergencies may require assistance from external organizations. These events may escalate quickly and have serious consequences for mission critical functions and/or life/safety. Examples include: serious crimes on campus, major fires, deaths or partial infrastructure failure. The College Incident Commander (IC) determines whether to assemble all or part of the EMT and if the EOC requires full or partial activation.

**Level 3 (Disaster)** – *An incident impacting the entire campus.* Normal college operations could potentially be suspended. The impact of the emergency is wide-ranging and complex. A timely resolution of disaster conditions requires college wide coordination and extensive cooperation. The EMT is activated and assembles.

**Emergency Management Team (EMT):**

President – Sr. Mary Eileen O'Brien  
Vice President of Student Development – John Burke  
Vice President of Financial Affairs – Anthony Cipolla  
Vice President of Academic Affairs- Thom Nowak  
Vice President of Enrollment– Brian Fernandes  
Vice President for Institutional Advancement – Joseph Valenti  
Director of Human Resources – Marybeth Broderick  
Director of Public Safety and Security – John Lennon  
Facilities Manager – Agron Gashi  
Director of Residence Life – Joseph Dratch  
Assistant Director of Public Safety- James Corrigan

**Incident Command System**

Management of significant emergency incidents by Dominican College is accomplished through implementation of a response framework as specified by the Federal Emergency Management Agency (FEMA) using the Incident Command System (ICS). ICS is recognized as the standard for management of crisis incidents in New York State. This framework will enhance the college's ability to respond successfully, resume the academic program and maintain business continuity in an emergency. The ICS format will also allow the D.C. Community to successfully interact with local emergency responders as needed. *Since every scenario cannot be predicted, an emergency response plan must be able to adapt quickly to incidents as they unfold.*

Annually, the college conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises may change from year to year, and include several departments from across the campus. To ensure the college's emergency management plans remain current and actionable, the college will conduct an emergency management exercise, at a minimum once yearly. These exercises may include table top drills, emergency operations center exercises or full scale emergency response exercises. The college conducts after action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the college will notify the Dominican College community of the exercise and remind the community of the information included in the colleges' publicly available information regarding emergency response procedures.

**Investigation of Violent Felonies**

Upon notification to Campus Security regarding a violent felony offense occurring on campus the primary goals are the well being of the victim and the insurance of prompt medical treatment. The Director of Security and the Orangetown Police Department are to be immediately contacted to respond to the scene and investigate the offense. The Director of Security will assist O.P.D. in the identification and apprehension (if possible) of person(s) responsible; assist in the identification of eyewitnesses and gathering statements; assist in the preservation of evidence and safeguarding the crime scene.

## **Notification to the College Community about an Immediate Threat**

The Department of Public Safety and Security, Facilities Department, and the Media Relations Office receive information from various offices/departments on campus. If DC Public Safety Department, Facilities, or Media Relations Office (PSFMR) confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the College community, PSFMR will collaborate to determine the content of the message and will use some or

all of the systems described below to communicate the threat to the College Community. PSFMR will, without delay and taking into account the safety of the community, determine the content of the notifications and initiate the notification system. This will take place unless issuing a notification will, in the judgment of the first responders (including, but not limited to: DC PSFMR, the Orangeburg Police Department), a response will hamper or otherwise escalate the emergency situation.

In the event of a serious incident which poses an immediate threat to the College community, the College has various systems in place for communicating information quickly to those individuals. Some or all of these methods of communication may be activated in the event of an immediate threat to the College community. These methods of communication include network emails, emergency text messages that can be sent to a phone or PDA (individuals can sign up for this service on the Campus Advisories Website), the Alertus Beacon system or digital signage. The College will post updates during a critical incident on the College Campus Advisories website at <http://www.dc.edu>. Individuals can call DC's recorded information telephone line at (845)359-7800 for updates. DC Public Safety Officials equipped with megaphones can be strategically placed throughout the campus to facilitate communication. Members of larger community who are interested in receiving information about emergencies on campus should use the emergency text message system and should use the Campus Advisories website and the (845)359-7800 line for obtaining updates in the event of an emergency on campus.

### **Emergency Alert System Testing/Emergency Drill**

An announced test of the Omnilert System, Alertus Beacon system and Digital Signage program was conducted on May 15, 2020. The test was conducted by Dominican College Public Safety, Facilities, Information Technology, and Residence Life. All systems performed correctly. On Wednesday August 19, 2020 an emergency preparedness drill was conducted at Dominican College. The drill was coordinated by the Directors of Public Safety and Facilities, Orangetown Police Department Office of Emergency Management, and the Rockland County Sheriff's Department. On Wednesday February 12, 2020 the Rockland County Sheriff's Department conducted a mock crime scene drill at Hertel Hall.

### **Dominican College Emergency Notification**

Dominican College uses the following methods to alert the college community in the event of the emergency:

- Omnilert – text, phone and email notification
- Dominican College Email System
- A message posted on the WWW.DC.EDU Home Page.
- Postings and notifications in buildings.
- Fire Alarms in buildings
- Dominican College Phone System
- Alertus Beacon System
- Digital signage

One or any combination of the above methods will be used to notify the college community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, faculty and staff occurring on the campus. Dominican 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 the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Public Safety and Security Department and/or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally Public Safety Officials become aware of these situations when they are reported to the Public Safety Department or upon discovery during patrol or other assignments.

Once Public Safety Officials confirm that there is in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, Public Safety Officials, or other authorized college representatives, will initiate an emergency notification through the Director of Public Safety and Security or other authorized college representatives. Confirmation of the emergency or dangerous situation may be done through one or a combination of means; visual observation, audio detection, camera surveillance, and reports

from college officials The college’s authorized representatives, there are a number of Dominican College Officials authorized to activate the emergency notification system, will immediately initiate all or some portions of the colleges emergency notification system. Authorized representatives are Vice President of Academic Affairs, Vice President of Enrollment, Vice President & Dean for Student Development, Associate Dean of Student Development and the Assistant Director of Public Safety and Security. If, in the professional judgment of the first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the college may elect to delay issuing emergency notifications. As soon as the condition that may compromise efforts is no longer present, the college will issue a notification to the campus community advising them the condition is no longer present.

Dominican College and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the college community should receive the notification. Generally the campus community members in the immediate area of the dangerous situation will receive the notification first. The college may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the college mass notification system, the college may also post applicable messages about the dangerous condition on the college homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, college officials will distribute the notification to the entire campus community.

The office responsible for issuing the emergency notification (usually the Campus Public Safety Department) will, in concert with college and/or local first responders, determine the contents of the notification. The college has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation and they know the steps to take to safeguard their personal and community safety.

Omnilert is an “opt out system”. All current students, faculty and staff are enrolled in the system with their Dominican College Email as the primary contact. Students, faculty and staff are provided information on how to add additional means of notification in the Omnilert system. Please refer to <http://www.dc.edu/health-safety-wellness/security/> regarding the process how to update your contacts in Omnilert or <https://.omnilert.net> . Any questions with the enrollment process please call the Public Safety Office at 845-848-4061.

### Timely Warning vs. Emergency Notification

Emergency Notification	Timely Warning
Scope: Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).	Scope: Narrow focus on Clery Act crimes. *
Why: Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.	Why: Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. We will issue a timely warning for any Clery Act crime committed on our Clery Act geography** that is reported to our campus security authorities or a local law enforcement agency, and that is considered by D.C. to represent a serious or continuing threat to students and employees.
Where: Applies to situations that occur on our campus or that impact our campus.	Where: Applies to crimes that occur anywhere on our Clery Act geography.
When: Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.	When: Issue a warning as soon as the pertinent information is available.

\* - Clery Act Crimes: *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying/Possessing, Fondling, Incest and Statutory Rape, Domestic Violence, Dating Violence and Stalking.*

**\*\* - Clery Act Geography:**

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

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

Non-Campus - 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.

### **TIMELY WARNING**

The Dominican College Public Safety and Security Department will post Timely Warning Notices for the College Community to notify members of the community about serious crimes against people or property that occur on campus, where it determined that the incident may pose an on-going threat to members of the D.C. community.

Dominican College will use one or any combination of the following methods to issue a Timely Warning Notice:

- Omnilert – text, phone and email notification
- Dominican College Email System
- A message posted on the WWW.DC.EDU Home Page.
- Postings and notifications in buildings.
- Dominican College Phone System
- Alertus Beacon System
- Digital signage

**The Public Safety and Security Department does not issue timely warnings for the above listed crimes if:**

1. The subject(s) is apprehended and the threat of imminent danger for members of the DC community has been mitigated by the apprehension.
2. If a report was not filed with the Public Safety and Security Department or if the Public Safety and Security Department was not notified by campus officials in a manner that would allow the department to post a “timely” warning for the DC community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow the department to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.

The Public Safety and Security Department also maintains a daily crime log which is normally updated each business day and contains all crimes reported to the Public Safety and Security Department.

### **EMERGENCY NOTIFICATION**

The Dominican College Public Safety and Security Department will post Emergency Notifications for the College Community to notify members of the community for an event that is currently occurring on or imminently threatening the campus. Dominican College Public Safety and Security Department will initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students, employees and visitors. Additionally emergency notifications will be posted for other crimes/incidents that are determined appropriate by Vice President of Student Development, Director of Public Safety and Security Department or Assistant Director of Public Safety and Security Department.



Dominican College will use one or any combination of the following methods to issue an Emergency Notification:

- Omnilert – text, phone and email notification
- Dominican College Email System
- A message posted on the WWW.DC.EDU Home Page.
- Postings and notifications in buildings.
- Fire Alarms in buildings
- Dominican College Phone System
- Alertus Beacon System
- Digital signage

### Text Messaging Information

Omnilert is an “opt out system”. All current users are enrolled in the system with their Dominican College Email as the primary contact. It is highly recommended that users sign into the system to add their cell number to receive SMS/Text messages. Users are provided information on how to add additional means of notification in the Omnilert system. Please refer to <http://www.dc.edu/health-safety-wellness/security/>. To log into DC’s Omnilert go to: <https://dc.omnilert.net>. Students use the following login: Username: firstname.lastname1 Password: password (the word password). Faculty/Staff Username: firstname.lastname Password: password (the word password). Enrollment can also be made by going to [www.dc.edu](http://www.dc.edu) select Student Life, select Security Office, click “Here” under Mass Notification System, click Create New Account, then enter student information. Once logged in, click on the Services tab, follow the directions and add the ways you wish to be notified. It is highly recommended that you click on the account tab and follow the directions to change your password. Users must log into the system if they chose not to receive messages or wish to change information. This system will be used only for time sensitive information. Any questions or problems encountered with the enrollment process please contact the Public Safety Office at 845-848-4061.

## COVID-19 Pandemic

For information regarding Dominican College Covid-19 policies and reopening plan the following link is provided: <https://www.dc.edu/campus.reopening/>

## Sexual Misconduct Policy

### I. Introduction

Dominican College (“the College”) is committed to providing a safe and inclusive environment for all members of the College community that is free from sexual misconduct. The College is committed to providing options, support, and assistance to victims/survivors of sexual misconduct to ensure that each member of the College community can freely participate in all College programs, activities, and employment.

In furtherance of those goals, the College has developed this Policy to define prohibited sexual misconduct, establish a mechanism for determining when sexual misconduct has taken place, and provide recourse for members of the College community whose rights have been violated.

This Policy is intended to be consistent with the College’s obligations under Title IX of the Education Amendments Act of 1972 (“Title IX”) and 34 CFR Part 106<sup>1</sup>; the Clery Act, as amended; the Violence Against Women Reauthorization Act of 2013 (“VAWA”); and, New York Education Law Article 129-B.

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<sup>1</sup> On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 (“Final Rule”) that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the College's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## II. Prohibited Conduct and Relevant Definitions

The College prohibits sexual misconduct, an umbrella term that is used to encompass sexual harassment/gender-based harassment, which includes sexual assault, stalking, dating violence, and domestic violence, as defined below. Sexual misconduct and all acts of sexual misconduct, as set forth below, are strictly prohibited by the College.

*Sexual Harassment* means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct, the Discrimination and Harassment Policy, or other college faculty and staff disciplinary policies as may be applicable.

*Sexual Assault* means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

*Domestic Violence* - felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

*Dating Violence* - violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

*Stalking* - engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer other emotional distress.

*Note: The above definitions will be utilized in determining whether an incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking in violation of college policy by the preponderance of the evidence standard has occurred (and not to determine whether a crime has been committed). The above definition will also be utilized by the college for Clery Act Reporting purposes.*

*Retaliation* - No member of the College community or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, will also be considered retaliation by the College.

Special Circumstances:

1. The exercise of rights protected under the First Amendment does not constitute retaliation.

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- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <https://bit.ly/TitleIXReg>.



2. The College's charging an individual with an alleged conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Other Definitions**

*Actual Knowledge*- means notice of sexual harassment or allegations of sexual harassment to the college's Title IX Coordinator or any official of the college who has authority to institute corrective measures on behalf of the college. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

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

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

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

*Complainant* - means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an Education Program or Activity.

*Consent* - Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm

*Education Program or Activity* - includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

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

*Formal Complaint* - means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the college investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the college with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in this policy. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the college) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

*Gender* - the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women, i.e. masculine, feminine.

*Gender Expression* - the way in which a person acts to communicate gender within a given culture.

*Gender Identity* - the way in which a person identifies

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

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

*Investigator(s)* - the person(s) tasked with investigating a Formal Complaint or report of sexual misconduct. All Investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and 34 CFR Part 106, VAWA/Campus SaVE Act (as defined below), and Enough is Enough; as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking; Student and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). The Investigator shall not be within the administrative control or authority of any Responding Individual who is a College Employee, or otherwise has (or creates the appearance of having) a conflict of interest.

*Law Enforcement* - the police or Dominican College Campus Safety and Security. To contact the police in the event of an emergency or ongoing threat, dial 911. To report an emergency, ongoing threat, or potential criminal conduct, you may also contact the Orangetown Police Department at telephone number (845) 359-3700 or Campus Safety and Security at telephone number (914) 403-7531.

*Member of the College Community* - students, faculty, and staff of Dominican College.

*Preponderance of Evidence* - the required standard for determining a violation under this Policy. Those individuals charged with rendering a decision of a policy violation must be convinced, based on the information provided, that a policy violation was more likely to have occurred than to not have occurred in order to find a Responding Party responsible for violating this Policy.

*Relevant Evidence and Questions* - refers to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

1. Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - a. They are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or
  - b. They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
2. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
3. Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

*Report*—information about an alleged incident of sexual harassment provided by a Reporting Individual to the Title IX Coordinator or a non-confidential college official.

*Respondent*—means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Sexual Activity*— shall mean a "Sexual Act" and "Sexual Contact" as provided in 18 U.S.C. 2246(2) AND 18 U.S.C. 2246(3):

*Sex* - the biological and physiological characteristics that define men and women, i.e. male, female, intersex.

*Sexual Contact*—means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

*Sexual Orientation* - an individual's sexual identity in relation to the gender and/or sex to which the individual is sexually and romantically attracted.

*Supportive Measures*—means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the college's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, , increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

*Title IX* - federal law, codified at 20 U.S.C. § 1681 et seq., that prohibits discrimination on the basis of sex in educational programs and activities. Specifically, the law provides that "[n]o person in the United States shall, on the basis of sex, be

excluded from participation in, be denied benefits of, or be subjected to discrimination under an educational program or activity receiving federal financial assistance.”

*Title IX Coordinator* - the Title IX Coordinator is the Dominican College employee responsible for ensuring that the College is complying with all Title IX regulations and is charged with the primary responsibility for coordinating the College’s Title IX compliance efforts, including determining whether to go forward with an investigation, coordinating the investigation of a complaint, and implementing additional Title IX regulations

### **III. How does the Sexual Misconduct Policy impact other campus disciplinary policies?**

Under the Final Title IX Rule, the geographic scope of the College’s authority to act under Title IX and the types of sexual harassment that it must subject to its Title IX investigation and adjudication process is limited. **Only** incidents falling within the Final Rule’s definition of “Sexual Harassment” (see Prohibited Conduct above) will be investigated and, if appropriate, brought to a live hearing through the grievance process defined below.

Dominican College remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. Specifically, the College also maintains a corresponding Discrimination and Harassment policy to address reports of unlawful discrimination or harassment that fall outside of the Title IX Final Rule. Moreover, the College reserves the right to proceed under the Student Code of Conduct or applicable faculty and staff disciplinary policies.

The elements established in this Policy under the Final Rule have no effect and are not transferable to any other policy of the college for any violation of the Community Standards, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### **IV. General Rules of Application**

#### *Effective Date*

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment as defined in this Policy brought on or after August 14, 2020.

#### *Revocation by Operation of Law*

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this Policy, this Policy, or the invalidated elements of this Policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should this Policy be revoked in this manner, any conduct covered under this Policy shall be investigated and adjudicated under the existing Student Code of Conduct, the Discrimination and Harassment Policy, or other college disciplinary policies as may be applicable.

### **V. Bill of Rights**

All members of the College Community have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any employee, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;

9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the investigative and grievance process including during all meetings and hearings related to such process (see Advisor section below for additional information);
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution; and,
12. Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Director of Human Resources, Campus Security, Local Law Enforcement, and/or Family Court or Civil Court.

## **VI. Amnesty Provision**

The health and safety of every student at the Institution 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 Institution'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.

## **VII. The Importance of Preserving Evidence and Forensic Examinations**

Whether or not you choose to report an act of sexual misconduct, it is important to preserve evidence of the assault in case you later wish to report the sexual misconduct to law enforcement or College officials. If you have cleaned up after an assault or no longer have evidence, you may still report the incident and an investigation will follow, but it will help police and investigators to have all available evidence.

To preserve evidence of a sexual assault do not wash your hands or face; do not shower or bathe; do not brush your teeth; and, do not change clothes or straighten up the area where the assault took place. If you remove clothing, try to preserve the clothing in a paper bag.

To preserve evidence of physical violence take photographs of any bruising or other visible injuries.

Email, social media posts, text messages, and/or voicemails may also provide evidence of sexual misconduct.

The Center for Safety and Change, Nyack Hospital, and Good Samaritan Hospital provide Sexual Assault Forensic Examiner ("SAFE") services. SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection.

Contact information for these organizations is provided in Section XV (Off-Campus Resources).

### **Forensic Examination**

Within 96 hours\* of a sexual assault, the assault victim has the option to undergo a Sexual Assault Forensic Exam at a local hospital for purposes of evidence collection. This option is available even if the assault victim has not decided whether she or he wishes to pursue any action against the alleged perpetrator. The exam is performed by a skilled clinician and includes assessment for and treatment of injury, addressing concerns of pregnancy and sexually transmitted infections, and collection of evidence.

- Choosing to undergo a Sexual Assault Forensic Exam (commonly referred to as a "Rape Kit") does not require the individual to report the incident to an external law enforcement agency or to the college. Undergoing the exam, however, will help to ensure that the victim receives proper care and preserves her or his opportunity to support a disciplinary or criminal action if she or he decides later to prosecute, seek a protective order or report the incident to the college.
- While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. Individuals are encouraged to let hospital personnel know if they do not want their insurance policyholder to be notified about access to these services.
- The New York State Office of Victim Services may be able to assist in compensating individuals for health care and counseling services, including emergency funds. More information may be found [here](#) or by calling 1-800-247-8035. Options are explained [here](#).

\*Even if 96 hours have elapsed, the exam is still recommended, although its utility may be diminished. Therefore, persons believing that they have been the subject of a sexual assault are advised to seek and secure a Sexual Assault Forensic Exam at the earliest possible opportunity.

### **VIII. Reporting a Potential Policy Violation**

The College takes all allegations of sexual misconduct seriously and encourages any member of the College community who has been a victim of sexual misconduct or a witness to sexual misconduct to report the incident to College officials. The reporting party may elect to make a confidential or non-confidential disclosure using the avenues set forth below. In addition to reporting the incident to the College, please note that you may always dial 911 or contact the Orangetown Police Department (Telephone: 845/359-3700) to report an emergency, ongoing threat, or potential criminal conduct to law enforcement. It is your choice whether to report an act of sexual misconduct to law enforcement.

#### **A. Confidential Disclosures**

If a member of the College community wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may speak with professional counselors and/or pastoral counselors at the following offices, who are not required to report potential violations of this Policy to the Title IX Coordinator:

Dominican College Counseling Services	Alise Cohen, LCSW, BCD	Telephone: (845) 848-4036
	Eileen A. Piccininni, MA, LPC, CASAC, CEAP	Telephone: (845) 848-4030
	Location: Forkel Hall	
	Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	
Dominican College Campus Ministry	Director: Sr. Barbara McEneany	Telephone: (845) 848-4031
Dominican College Health Center	Director: Lynda Chesterman	Telephone: (845) 848-7918
	Location: Granito Center, Second Floor	
	Hours: Monday, Tuesday, Thursday, 8:30 a.m. – 5:00 p.m.	
	Wednesday, 8:30 a.m. – 6:00 p.m.	
	Friday, 9:00 a.m. – 5:00 p.m.	

If an employee wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may utilize the Employee Assistance Program (EAP) which is available 24 hours a day, 7 days a week and is completely confidential.

Employee Assistance Program (EAP)	Hours: 24 hours, 7 days a week	Telephone: (800) 252-4555 (800) 225-2527
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#### **B. Non-Confidential Disclosures**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

**Christine M. Dilts**

Assistant Dean for Student Development & Title IX Coordinator

(845) 848-5012

[Christine.Dilts@dc.edu](mailto:Christine.Dilts@dc.edu)

In the event that the Title IX Coordinator is unable to serve in this capacity for any reason, an administrator will be designated to fulfill this responsibility. The 'acting' Title IX Coordinator is listed on the Dominican College website, and if it should be necessary to appoint someone other than the above-listed individual, official notice will be sent via College email to the entire community.

In addition, members of the College community may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual

harassment), to non-confidential Dominican College faculty and staff members. All non-confidential Dominican College faculty and staff members are considered mandatory reporters and must report potential violations of this Policy to the Title IX Coordinator.

College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible.

### **C. Additional Reporting Information**

**Statistical Reporting:** The Clery Act is a federal law requiring institutions of higher education to collect and report statistics on certain crimes in an Annual Security Report. Campus Security Authorities at the college have a duty to provide Public Safety and Security with information regarding certain crimes when they are reported. All personally identifiable information is kept confidential, but statistical information regarding Clery reportable crimes must be shared, including the date and location of the incident (but not the specific address) and information about the reported crime, to allow for proper classification. This report provides the college community with information about the extent and nature of crime on the college's campus and helps ensure greater community safety.

**Timely Warning Notifications:** If a report of Sexual Misconduct reveals that there is an immediate threat to the health or safety of students or employees on campus, or that an ongoing serious or continuing threat to the campus community exists, an emergency Timely Warning notification will be issued by the college. The purpose of the Timely Warning notification is to enable individuals to protect themselves and to increase safety awareness, as well as seek information that will lead to eradication of the threat. The Complainant's name and other personally identifiable information will not be included in any Timely Warning notification or public safety advisory.

## **IX. Dominican College's Response to Sexual Misconduct Reports**

Upon obtaining Actual Knowledge of an incident of Sexual Misconduct, the Title IX Coordinator will respond promptly, in a manner that is not deliberately indifferent. The College will treat both Complainants and Respondents equitably by offering supportive measures to the Complainant (if known) and Respondent, and, if a Formal Complaint is filed, by following the formal investigation and grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

### **A. Initial Meetings**

Upon obtaining actual knowledge of an incident of Sexual Misconduct, the Title IX Coordinator will promptly meet independently with both the Complainant (if known) and Respondent.

#### **1. Meeting with the Complainant**

Upon receiving a report of an incident of sexual harassment, the Title IX Coordinator will promptly contact the Complainant (if known) to:

1. Discuss the availability of supportive measures;
2. Consider the Complainant's wishes with respect to supportive measures;
3. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint and, if applicable, the filing of a crime to local law enforcement;
4. Explain the process for filing a Formal Complaint;
5. Explain what the College's Grievance Process entails; and
6. Discuss protection from, and reporting of, incidents of retaliation.

In addition, when a student or employee reports an incident of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the Title IX Coordinator will also:

1. Provide the Complainant a copy of the Bill of Rights (if applicable), including a review of his or her rights and options;
2. Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for complainant both within the college and in the community;
3. Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.)).

The Title IX Coordinator will consider the Complainant's wishes with regard to supportive measures. If supportive measures are not provided to a Complainant, the Title IX Coordinator will document why they were not provided and why not providing such measures is not deliberately indifferent.

## *2. Meeting with the Respondent*

The Title IX Coordinator will also promptly contact the Respondent, who will also be offered supportive measures and be provided with a copy of the Student Bill of Rights (if applicable).

### **B. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the college's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the college's educational environment, or deter sexual harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to, the following:

1. Counseling;
2. Extensions of deadlines or other course-related adjustments;
3. Modifications of work or class schedules;
4. Campus escort services;
5. Mutual restrictions on contact between the parties;
  - a. When a No Contact order is in effect, continued contact between the Parties is a violation of college policy and may result in additional conduct charges.
  - b. If the Respondent and Complainant observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately and without directly contacting the Complainant.
  - c. The Complainant also should take reasonable steps to avoid or minimize contact with the Respondent.

Both Parties may request a prompt review by the Title IX Coordinator of the need for and terms of a No Contact Order. Parties may submit evidence in support of their request.

6. Changes in work or housing locations;
7. Assistance with course withdrawals;
8. Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services;
9. Increased security and monitoring of certain areas of the campus; and
10. Other similar measures.

For international students, supportive measures may also include assistance with immigration and visa issues.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the ability of the college to provide the supportive measures.

### **X. Initiating a Formal Complaint with the College**

The filing of a Formal Complaint with the Title IX Coordinator triggers the college's investigation and grievance process under this policy. The timeframe for the Title IX grievance process begins with the filing of a Formal Complaint. The grievance process will be concluded within a reasonably prompt manner, and no longer than 90 days after the filing of the Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

A Formal Complaint of Sexual and Gender-Based Misconduct is a document or electronic submission filed by the Complainant or signed by the Title IX Coordinator alleging Sexual and Gender-Based Misconduct against a Respondent and requesting that the college investigate the allegation of sexual harassment. The Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in this Policy.

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the college, including as an employee. For Complainants who do not meet these criteria, the college reserves the right to utilize existing policy (i.e., Student Code of Conduct, the Discrimination and Harassment Policy or other applicable disciplinary policy) to resolve the complaint.

In the case of conduct which seriously threatens the health or safety of a party or of the community at-large, the Title IX Coordinator may determine that a Formal Complaint is necessary in order to initiate an investigation according to this policy, despite objection by the complainant. When the Title IX Coordinator does sign a Formal Complaint, the Title IX Coordinator is

not a Complainant or otherwise a party under this Policy. In deciding whether to sign a Formal Complaint, the Title IX Coordinator will consider the facts of the specific case and will consider the following factors:

1. A pattern of alleged conduct by the Respondent;
2. The involvement of violence or weapons;
3. The seriousness of the alleged sexual harassment;
4. The age of the individual harassed;
5. Whether there have been other complaints or reports of harassment against the Respondent; and
6. Similar factors in a Complainant's allegations.

If the Title IX Coordinator does commence a Formal Complaint and the Complainant is known, the Coordinator will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further. The Title IX Coordinator will provide the Complainant all notices and opportunities to respond to evidence under this Policy, even if the Complainant is not actively involved.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

#### **A. Determining Jurisdiction**

The Title IX Coordinator will determine if this Policy and its corresponding investigation and grievance hearing process should apply to a Formal Complaint. This Policy will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in one of the College's Education Program or Activities; and
4. The alleged conduct, if true, would constitute "sexual harassment" as defined in this Policy.

If all of the elements are met, the College will investigate the allegations in accordance with Section XI.

Note:

If the alleged conduct, if true, includes conduct that would constitute covered Sexual and Gender-based Misconduct prohibited by this Policy AND conduct that would not constitute covered Sexual and Gender-based Misconduct, the Title IX investigation and grievance hearing process will be applied in the investigation and adjudication of all of the allegations.

#### **B. Dismissal of a Formal Complaint**

The Title IX Coordinator will review the allegations in the Formal Complaint. If the conduct alleged 1) does not constitute Sexual Misconduct as defined in this Policy even if proved, 2) did not occur in a College Education Program or Activity, 3) or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the Formal Complaint with regard to that conduct for purposes of sexual harassment under Title IX. *Such a dismissal, however, does not preclude action pursuant to the Student Code of Conduct, the Discrimination and Harassment Policy or other applicable disciplinary policy.*

The Title IX Coordinator will also dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or grievance hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the college; or
3. Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties, as well as notice of the right to appeal the dismissal.

#### **C. Notice of Allegation(s) to the Parties**

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the following written notice to the Parties who are known:

1. Notice of the College's applicable grievance process, including information regarding the informal resolution process (see the Informal Resolution section below).
2. Notice of the allegations potentially constituting Sexual Misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identities of the parties involved in the incident, if known;
  - b. The conduct allegedly constituting sexual harassment; and
  - c. The date and location of the alleged incident, if known.
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the applicable grievance process.



4. A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, during the grievance hearing, and may inspect and review evidence during the college's investigation process.
5. A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and subject to disciplinary action.

If, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice of the additional allegations to the Parties whose identities are known.

#### **D. Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual and Gender-Based Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sexual and Gender-Based Misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

#### **E. Emergency Removal**

The Title IX Coordinator may remove a Respondent student from a College's Education Program or Activity on an emergency basis, provided that the Title IX Coordinator (or designee):

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual and Gender-Based Misconduct justifies removal; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

An emergency removal does not replace the regular grievance hearing process, which shall proceed on the normal schedule, up to and through a hearing, if required.

#### **How to Challenge an Emergency Removal Decision**

Challenges are resolved by the Vice President for Enrollment Management, or designee. The challenge must be submitted in writing by the Respondent within five (5) business days after the receipt of the Title IX Coordinator's emergency removal decision.

The challenge statement must specify the grounds for the challenge and include any evidence in support of the grounds. The grounds for an appeal are limited to:

1. Information that a procedural error affected the decision;
2. Information that a factual error affected the decision; or
3. Additional information relevant to the assessment that was not available at the time of the initial safety and risk analysis.

During the challenge, the emergency removal decision will remain in place. A written response to the appeal will be provided by the Vice President for Enrollment Management, or designee, to the Respondent by mail and email (if both addresses are known) within five (5) business days of receiving the written challenge. The outcome of the challenge is final.

#### **F. Administrative Leave**

The college may place a non-student employee Respondent on administrative leave during the pendency of a formal grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

#### **G. False Complaint**

It is a violation of this Policy for anyone knowingly to make false accusations of discrimination or harassment. A determination that a Formal Complaint is not meritorious, however, is not necessarily equivalent to a false allegation and a finding for the responding party does not necessarily constitute a finding that the Formal Complaint was made in bad faith.

#### **H. Advisor of Choice and Participation of Advisor of Choice**

The College will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of the College.

The College will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The College's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other College policies apply to matters governed under this Policy, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The College will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

## **XI. Optional Informal Resolution**

Informal Resolution such as mediation, restorative justice, or other methods may be an alternative to the Formal Investigation and grievance phases. The Title IX Coordinator will determine if Informal Resolution is appropriate, based on the willingness of the parties and the nature of the conduct at issue. *Informal Resolution may not be used as the primary resolution mechanism to address allegations that a Dominican College employee sexually harassed a student or a minor.*

Before starting the informal resolution process, the Title IX Coordinator will notify the Parties in writing that participation is strictly voluntary and is not offered as a condition of enrollment/continuing enrollment, employment/continuing employment, or a waiver of the right to a formal investigation. Moreover, the written notification will state that the Parties have the right to withdraw from the informal resolution process at any time and resume the grievance process with respect to the formal complaint. The notice will also state that the parties have the right to be accompanied by an advisor and that any information provided by the parties in the course of the informal resolution process may be considered in a subsequent investigation and grievance hearing process.

If, after receiving written notification of the above rights, the Parties both voluntarily consent in writing to pursue informal resolution, the Title IX Coordinator will assign a trained administrator or third-party external to the College to facilitate the informal resolution process.

If both Parties are satisfied with a proposed resolution after participating in the informal resolution process and the Title IX Coordinator believes the resolution satisfies the College's obligation to provide a safe and non-discriminatory environment, the resolution will be implemented, the investigation and grievance hearing process will be concluded, the matter will be closed, and both parties will be provided with written notice of the resolution.

If, however, informal resolution efforts are unsuccessful, the investigation and/or grievance hearing phase will continue.

Informal resolution will typically be completed within thirty (30) days, or such other time as is reasonable and practicable. In circumstances when it is not reasonable and practicable to complete the informal process in a 30-day time frame, both the Complainant and the Respondent will be notified in writing regarding the delay and anticipated completion date.

The Title IX Coordinator will maintain records of all reports and conduct resolved through informal resolution for a period of seven (7) years.

## **XII. Formal Investigation and Grievance Hearing Phases**

### **A. Investigation Phase**

For all Formal Complaints that proceed to investigation, the Title IX Coordinator will designate a specially trained impartial investigator (or team of investigators) either internal or external to the College to interview and gather relevant evidence from the Parties and any witnesses. The investigator(s) will also work with the Public Safety and Security, as well as other campus offices to gather pertinent documentary materials (if any) and other relevant information. The College may, at any time, elect to engage a third party to conduct the investigation process, in whole or in part.

#### *General Rules of Investigations*

When investigating a Formal Complaint and throughout the grievance process, the College, under the supervision of the Title IX Coordinator, will:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties, provided that the College cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the College obtains that Party's voluntary, written consent to do so for the grievance process;

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence (e.g., no “gag orders”);
4. Provide the Parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both Parties;
5. Provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the college does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each may meaningfully respond to the evidence prior to conclusion of the investigation.

The Title IX Coordinator will communicate with the investigator(s) regularly throughout the investigation to ensure that the investigation is thorough, impartial, and fair and that the above guidelines are adhered to.

#### *The Investigation*

The College’s formal investigation may include, but is not limited to:

1. Conducting interviews of the Complainant, the Respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual’s character):
  - a. The investigator(s) will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the Party to prepare to participate;
  - b. The investigator(s) will take handwritten or typed notes of all interviews and based on those notes will prepare written statements for each interviewee. The Parties and witnesses will have the opportunity to review their own statement and provide the investigator(s) with corrections or revisions prior to the conclusion of the investigation;
2. Reviewing law enforcement investigation documents, if applicable;
3. Reviewing relevant materials from student and personnel files; and
4. Gathering, examining, and preserving other relevant documents and physical, written (including medical records), and electronic evidence (including social media, security camera footage, etc.).

Both Parties may have an advisor accompany and advise them, but not actively participate, throughout the investigation process.

#### *Inspection and Review of Evidence*

Prior to completion of the investigative report, the investigator(s) will send to each Party and the Party’s advisor, if any, in an electronic format or a hard copy any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint (including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source) so that each Party may meaningfully respond to the evidence prior to conclusion of the investigation.

The Parties will have 10 business days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator(s) will make all such evidence subject to the Parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

#### *The Investigative Report*

At the conclusion of the investigation and after the expiration of the 10 day written response period, the investigator(s) will issue an investigative report to the parties that fairly summarizes relevant evidence and, at least 10 business days prior to a formal grievance hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each Party and the Party’s advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator(s), but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report. Moreover, the Investigator(s) may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

## **B. Grievance Hearing Phase**

Following the opportunity for review and comment of the investigator's report, the Title IX Coordinator will forward the case to a specially trained impartial Administrative Reviewer(s) (a staff member or team of staff members trained on Title IX and this policy and procedure) to conduct the hearing. The Administrative Reviewer(s) may not have a conflict of interest and cannot have participated in the investigative process.

### *1. Notice of Grievance Hearing*

The Title IX Coordinator will send a written notice of the hearing to the parties at least ten business days prior to the hearing date. The written notice will include the following information:

1. The date, time, location and factual allegations concerning the alleged policy violation;
2. The specific policy allegedly violated;
3. Possible sanctions;
4. The time, date, and location of the hearing and the contact information of the Administrative Reviewer(s) assigned to hear the matter;
5. Information about requesting reasonable accommodations for the hearing;
6. A copy of the College's hearing rules and procedures;
7. Notice of the requirement that an advisor must conduct cross examinations directly, orally, and in real time at the hearing and that if a party does not have an advisor, the College will provide one free of charge;
8. The process for requesting witnesses;
9. Notice of the right to request that the parties be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms;
10. Notice of the right to file a protest to the appointment of an Administrative Reviewer or Reviewers by identifying a possible conflict of interest in writing to the Title IX Coordinator (see Conflicts of Interest clause below).

In addition to the above, the Respondent's written notice will further contain the option to acknowledge full, partial, or no responsibility for the alleged violations prior to the hearing. At any time prior to the date of the hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged misconduct. In such a situation, the assigned Administrative Reviewer(s) may propose sanction(s) for the Respondent and, if the Complainant and the Respondent agree to such proposed sanction(s), then the Formal Complaint may be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Administrative Reviewer(s) will convene a hearing for the exclusive purpose of determining a sanction.

### *2. Hearing Rules*

The grievance hearing is conducted in a fair and equitable manner for the purpose of determining whether it is more likely than not that the respondent committed an act of sexual harassment in violation of this policy (i.e. "the preponderance of the evidence" standard).

The following rules apply to all grievance hearings:

1. Both Parties will be treated fairly and equitably throughout the live hearing process;
2. Hearings will be private and closed to everyone except the involved persons;
3. The live hearing may be conducted in person or virtually at the discretion of the Administrative Reviewer(s);
4. At the request of either party, the parties will be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms.
  - a. The use of such technology must enable the Administrative Reviewer(s) and parties to see and hear the witnesses testify;
  - b. Training in the usage of such technology will occur before the hearing to ensure proper execution;
5. Both parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
6. The Respondent is presumed not responsible until determined responsible for the alleged violation(s) at the end of the grievance process based upon a preponderance of the evidence, or more likely than not, standard;

7. During the hearing, the Parties' respective advisors will be required to conduct cross-examination directly, orally, and in real time:
  - a. Cross-examination may not be conducted directly by a Party;
  - b. If a Party does not have an advisor, the college will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party;
  - c. The advisor is not prohibited from being a witness in the matter;
  - d. If a Party does not attend the live hearing, the Party's advisor may appear and conduct cross-examination on their behalf;
  - e. If neither a Party nor their advisor appear at the hearing, the College will provide an advisor to appear on behalf of the non-appearing Party.
8. During the hearing, the Administrative Reviewer(s) will have the right to determine the relevancy of any questions asked on cross-examination and may exclude any irrelevant questioning.
  - a. The Administrative Reviewer(s) must provide an explanation to the parties for excluding a question on the basis of irrelevancy.
  - b. Questions about the predisposition or prior sexual behavior of the Complainant are deemed not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove someone other than the Respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
  - c. Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation;
  - d. If a party or witness elects not to participate in cross-examination, the final decision will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Administrative Reviewer(s) may not draw any inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions;
  - e. The Administrative Reviewer(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
9. An audio recording of the hearing will be created by the College, which shall remain the property of the College, but made available to the Parties;
10. Cell phones and recording devices may not be used in the hearing room(s) (unless approved by the Administrative Reviewer(s) in advance) and must be turned off before the hearing convenes;
11. Formal rules of evidence shall not be applicable;
12. The Administrative Reviewer(s) may call any relevant witness to participate in a proceeding. Admission of any person to the hearing will be at the discretion of the Administrative Reviewer(s);
13. Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Administrative Reviewer(s). The applicability and weight of such evidence is determined at the sole discretion of the Administrative Reviewer(s);
14. The Administrative Reviewer(s) will objectively review all relevant evidence—including both inculpatory and exculpatory evidence—and ensure that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness;
15. The Administrative Reviewer(s) may temporarily delay the grievance hearing or extend time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as:
  - a. The absence of a Party, a Party's advisor, or a witness;
  - b. Concurrent law enforcement activity; or
  - c. The need for language assistance or accommodation of disabilities.

### 3. Hearing Procedures

The following is a general description of procedures for the live grievance hearing. These procedures may vary as appropriate for specific hearings at the discretion of the assigned the Administrative Reviewer(s).

1. The Administrative Reviewer(s) will open and establish rules and expectations for the hearing;

2. Presentation of the investigation report by the investigator, followed by questions to the investigator by the Administrative Reviewer(s) and then cross examination by the Parties' advisors;
3. Complainant statement, followed by questions to the complainant by the Administrative Reviewer(s) and then cross examination by the respondent's advisor;
4. Respondent statement, followed by questions to the respondent by the Administrative Reviewer(s) and then cross examination by the Complainant's advisor;
5. Fact and expert witness questioning by the Administrative Reviewer(s), followed by cross examination by the Parties' advisors;
6. Closing statement by Complainant;
7. Closing statement by Respondent.

*Additional Cross-Examination Rules:*

1. Before any cross-examination question is answered, the Administrative Reviewer(s) will determine if the question is relevant;
2. Cross-examination questions that are duplicative of those already asked, including by the Administrative Reviewer(s), may be deemed irrelevant if they have been asked and answered;
3. During the Parties' cross-examination, the Administrative Reviewer(s) will have the authority to pause cross-examination at any time for the purposes of asking its own follow up questions; and any time necessary in order to enforce rules of decorum.
4. Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Administrative Reviewer(s). A Party's waiver of cross-examination does not eliminate the ability of the Administrative Reviewer(s) to use statements made by the Party.

*4. Written Determination and Notification*

Following the hearing, the Administrative Reviewer(s) will review all information presented through the investigation and live hearing processes and then issue a written determination regarding responsibility, which includes:

1. The allegations of Sexual Misconduct;
2. A description of the procedural steps taken;
3. Findings of fact;
4. Conclusions regarding applying the policy to the facts;
5. A statement with rationale detailing the result of each allegation;
6. A listing of any imposed sanctions and any remedies provided; and
7. An explanation of the college's appeal process.

The written determination will be delivered simultaneously to both parties within ten business days after the hearing, unless the Administrative Reviewer(s) determines additional time is needed to make a decision.

**C. Time Frame for Resolution**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than 90 calendar days after the filing of the Formal Complaint, provided that the process may be extended for reasons, including but not limited to the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**D. Use of the Preponderance of the Evidence Standard**

The Preponderance of Evidence standard is the required standard for determining whether a Policy violation has occurred. The Administrative Reviewer(s) charged with rendering a decision of Policy violations must be convinced, based on the information provided, that a Policy violation was more likely to have occurred than to not have occurred in order to find a Responding Party responsible for any violation of this Policy.

**E. Available Disciplinary Sanctions**

The Administrative Reviewer(s) will determine the appropriate sanction in the event that the Respondent is found responsible by the preponderance of the evidence standard for violating this Policy. The Administrative Reviewer(s) determination will be in writing and shared simultaneously with the Parties as detailed in the *Written Determination and Notification* clause above.

Any one or more sanctions listed below may be imposed by the Panel as applicable:

**Student Respondents:** Sanctions and/or responsive action for students may include warnings, fines, restitution, discretionary sanctions, assignment to complete an educational program or project, loss of privileges, residence hall probation, administrative relocation, residence hall suspension, suspension or removal from a college team, club or activity, termination

of recognized status of a college team, club or activity, residence hall expulsion, college probation, college suspension, college expulsion, revocation of admission, and/or withholding or revocation of a degree (whether or not that degree has been conferred). This list is not exclusive, but is intended to be illustrative of the common forms of sanction that may be issued upon a finding of student responsibility.

**Employee Respondents:** Sanctions and/or responsive action for employees or volunteers may include work restrictions, requirement to attend training or other education, requirement to obtain counseling, salary reduction or limitation, loss or reduction of an employment-related benefit or privilege, an oral warning, a written reprimand, suspension from employment, and/or dismissal from or termination of employment. This list is not exclusive, but is intended to be illustrative of the common forms of sanction that may be issued upon a finding of employee responsibility.

#### **F. Impact Statement**

If it has been determined that this Policy was violated, then both the Complainant and Respondent have the right to present an impact statement to the Administrative Reviewer(s) to be considered during the sanction process. The impact statement(s) must be provided to the Administrative Reviewer(s) within five (5) business days of notification of whether this Policy has been violated.

#### **G. Remedial Action**

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action(s) to protect the Complainant and the college community. Remedial actions are considered separate from, and in addition to, any disciplinary sanction or supportive measure that may have been provided.

When the college is unable to conduct a full investigation into a particular incident (i.e., when a Formal Complaint is not filed.), the Title IX Coordinator will consider and, where warranted pursue, remedial action remedies for the broader college community in an effort to limit the effects of the conduct at issue and prevent its recurrence.

#### **H. Appeals**

Within ten business days of the delivery of the notice of the decision of responsibility and/or sanction, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or sanctions were inappropriate. A Party appealing under this section may only appeal on the following grounds:

1. Procedural error by the Investigator(s) or Hearing Officer/Hearing Panel that materially prejudiced the Party requesting review; and/or
2. Newly discovered material information that was not known to the Party requesting review and not available to the Investigator(s) and Hearing Officer/Hearing Panel which likely would have changed the finding of responsibility or the sanction imposed, had it been available; and/or
3. The Title IX Coordinator, Investigator(s), or Hearing Officer/Hearing Panel had a conflict of interest or bias that affected the outcome.

The Party submitting the appeal must set forth, in detail, the grounds for review and must attach all materials that they wish to have considered in the appeal process. If both the Complainant and Respondent appeal, the appeals will be considered concurrently. The Title IX Coordinator may dismiss the appeal for failing to state one of the grounds for appeal listed above. Failure to submit a written appeal within ten business days forfeits the right to appeal under this Policy, regardless of the outcome of the other Party's appeal (if submitted). If either the Complainant or Respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing Party may submit a written response within five (5) days after notice of the appeal.

*The Appellate Officer(s):* A trained, impartial administrator or panel of administrators/faculty will be assigned to be the Appellate body. The Appellate Officer(s) will decide the merits of any appeal and, in doing so, may consult with the Investigator(s), the Title IX Coordinator, the Administrative Reviewer(s) and any other individual the Appellate Officer(s) deem appropriate. Appeals are decided based on the objective evaluation of the record of the original proceeding and any relevant evidence submitted by the Parties.

The Appeals Officer(s) shall not substitute the officer's judgment for the decision of the Administrative Reviewer(s) or attempt to rehear the case. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the College) may be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Appellate Officer(s) may:

1. Deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction; or

2. Refer the matter back to the Administrative Reviewer(s) for further consideration, with specific instruction. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may commence, as appropriate under the circumstances, consistent with this Policy.

Note: Cases should only be recommended for remand for a new hearing if the specified procedural errors or conflict of interest was so substantial, they effectively denied the Respondent or Complainant a fair and impartial hearing, or new evidence merits a new hearing.

The decision of the Appellate Officer(s) regarding the appeal will be in writing, describing the result of the appeal and the rationale for the result, and is final. The Title IX Coordinator will inform the Parties simultaneously and in writing of the outcome of the appeal.

Once the appeals process is completed, it shall be the responsibility of the Title IX Coordinator to oversee the implementation of any imposed sanctions, as applicable.

### **XIII. Transcript Notations**

If a student is found responsible under this Policy for a Clery Act Crime of Violence, as defined below, including a sexual offense, then the College will make a notation to the responsible student's official College transcript of any sanction that was issued to the student "after a finding of responsibility for a code of conduct violation," such as "Suspended after a finding of responsibility for a code of conduct violation," or "Expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from the College while conduct charges are pending against him or her, then his or her transcript will be marked that he or she "withdrew with conduct charges pending."

To appeal the transcript notation, a student must petition the Office of the Registrar to remove the transcript notation. A transcript notation for suspension shall not be removed prior to one year after the conclusion of the suspension. A transcript notation for expulsion shall not be removed. If the appeal is granted, then transcript notations shall be removed within thirty (30) days of the granting of the appeal.

If a finding of violation of this Policy is vacated, then the transcript notation shall be removed. The transcript notation will be removed within thirty (30) days after the finding is vacated.

### **XIV. On-Campus Resources**

The following resources are provided at no cost to student/faculty/administrators/staff.

Dominican College Counseling Services	Alise Cohen, LCSW, BCD	Telephone: (845) 848-4036
	Eileen A. Piccininni, MA, LPC, CASAC, CEAP Location: Forkel Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-4030
Dominican College Campus Ministry	Director: Sr. Barbara McEneany Location: Casey Hall	Telephone: (845) 848-4031
Dominican College Health Center	Director: Lynda Chesterman Location: Granito Center, Second Floor Hours: Monday, Tuesday, Thursday, 8:30 a.m. – 5:00 p.m. Wednesday, 8:30 a.m. – 6:00 p.m. Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-7918
Dominican College Public Safety and Security	Director: John Lennon, Jr Assistant Director: James Corrigan Location: Casey Hall	Telephone: (914) 403-7531 (Available 24 hours a day, 7 days a week)

### **XV. Off-Campus Resources**

The following resources are available to the community and may have associated costs, which are the responsibility of the consumer.

- The Center for Safety and Change – Rockland Family Shelter 24-Hour Hotline: (845) 634-3344



The Center for Safety and Change offers a 24-hour hotline and free comprehensive victim assistance programs, including the Sexual Assault Forensic Examiner (SAFE) Program, counseling, hospital/police/court accompaniment and advocacy services for survivors of sexual violence. The SAFE Program provides specially trained nurses to people who report sexual assault at Good Samaritan Hospital or Nyack Hospital (contact information below). SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection. For more information on the SAFE kit, please visit – <https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit>

- Medical Centers:

- Nyack Hospital (SAFE Kit Available)

160 North Midland Avenue, Nyack, New York 10960

Telephone: (845) 348-2000

- Good Samaritan Hospital (SAFE Kit Available)

255 Lafayette Avenue (Route 59), Suffern, New York 10901

Telephone: (845) 368-5000

- Palisades Urgent Care Center

256 East Route 59, Nanuet, New York 10954

Telephone: (845) 624-2273

Website: [www.palisadesuc.com](http://www.palisadesuc.com)

Hours: Open 365 days a year; Monday – Friday: 8:00 a.m. – 8:00 p.m.; Saturday – Sunday: 9:00 a.m. – 6:00 p.m.

- Stat Health Medical Services

2244 Palisades Center Drive, West Nyack, New York 10994

Telephone: (845) 358-7828

Hours: Monday – Saturday: 9:00 a.m. – 6:00 p.m.

- Police Department:

- Orangetown Police Department; 26 Orangeburg Road, Orangeburg, New York 10962; Main Telephone: (845) 359-3700

Detective Telephone: (845) 359-2121; Records Telephone: (845) 359-5782;

IN CASE OF EMERGENCY, DIAL 911

- New York State Office of Victim Services

- Website: <https://ovs.ny.gov>

- Organizations with Information on Sexually Transmitted Infections:

- Centers for Disease Control and Prevention; Website: [www.cdc.gov](http://www.cdc.gov)

- Confidential and Free Hotlines:

- National Sexual Assault Online Hotline; Telephone: 866-656-HOPE (4673); Website: <https://ohl.rainn.org/online/>

Live help for sexual assault victims and their friends and families. Free, confidential, and secure.

- New York State Hotline for Sexual Assault and Domestic Violence; Telephone: 866-331-9474

- Love is Respect (Domestic Violence); Telephone: 800-942-6906

- Informational Websites:

- Not Alone; Website: [www.notalone.gov](http://www.notalone.gov); An official website of the United States Government, providing resources for students and campuses and data related to sexual assault. Website access is provided at no cost.

## **XVI. Education, Awareness, and Training Programs**

### **A. Education and Awareness Programs**

The college has developed Sexual Assault, Dating Violence, Domestic Violence and Stalking Primary Prevention and Awareness Programs for new students and employees, as well as On-going Prevention and Awareness Programs for students and faculty that:

- Review the College's Sexual Misconduct Policy, which prohibits all forms of Sexual and Gender-Based Misconduct, including but not limited to Sexual Assault, Dating Violence, Domestic Violence and Stalking as those terms are defined in the Clery Act, identifies such conduct as illegal, and outlines how to report such incidents to the college and/or local law enforcement should they occur;
- Reviews the Clery Act and the State of New York respective definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking. New York criminal definitions are set forth below as well as in the college's Annual Security and Fire Safety Report;

- Describes what behavior and actions constitute Consent to sexual activity in the State of New York, as well as a description of the definition of Consent utilized in the college's Sexual Misconduct Policy. The State of New York's definition of Consent is set forth in the Annual Security and Fire Safety Report and in this Policy;
- Provides a description of safe and positive options for Bystander Intervention, as that term is defined in this Policy. Safe and Positive Options for Bystander Intervention also are set forth in the Annual Security and Fire Safety Report; and
- Provides information on Risk Reduction. Risk Reduction means options designed to decrease perpetration and Bystander inaction and to increase empowerment for individuals (i.e., warning signs of abusive behavior and how to avoid potential attacks) in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction tips are set forth in the Annual Security and Fire Safety Report.

## **B. Employee Training**

Specialized training in understanding victim responses, trauma, and the dynamics of sexual harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking are a high priority and are scheduled for professional staff and faculty. All professional employees designated as investigative or grievance officer/panel staff receive annual training on methods and best practices related to sexual harassment, including Domestic Violence, Dating Violence, Sexual Assault and Stalking. These trainings focus on how investigations and the hearing process are to be conducted, in a manner that protects the safety of Complainants or others who believe they have been the subject of acts of Sexual Misconduct.

All mandatory reporters receive training on reporting requirements and how to effectively serve as a first responder in cases of sexual harassment, including Dating Violence, Domestic Violence, Sexual Assault, and Stalking.

## **C. State of New York Sexual Misconduct Laws**

It is important for members of the College community to be aware that there can be serious legal criminal consequences for engaging in certain types of Sexual Misconduct. Acts of Sexual Assault, Domestic Violence, Dating Violence, and Stalking are prosecuted criminally in New York State separately and apart from the resolution procedures set forth in the college Sexual and Gender-Based Misconduct Policy. There are significant differences between the two systems because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. The College disciplinary processes seek to determine whether an individual has violated college policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated the College's Sexual Misconduct Policy may be suspended, expelled, terminated, or otherwise restricted from full participation in the college community. For additional information regarding the differences between the criminal justice system and college disciplinary processes, click [here](#).

## **XVII. Campus Climate Surveys**

The college will conduct, no less than every other year, a campus climate assessment to ascertain general awareness and knowledge of the provisions of this Policy, including student experience with and knowledge of reporting and college processes, which will be developed using standard and commonly recognized research methods. The assessment will include questions covering, but not be limited to, the following:

- The Title IX Coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
- The availability of resources on and off campus, such as counseling, health and academic assistance;
- The prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
- Bystander attitudes and behavior;
- Whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- General awareness of the definition of affirmative consent.

The college will take steps to ensure that answers to such assessments remain anonymous and that no individual is identified. The college will publish the results of the surveys on the college website. In posting the data, no personally identifiable information or information which can reasonably lead a reader to identify an individual will be shared. Per New York law, information discovered or produced as a result of the assessment will not be subject to discovery or admitted into evidence in any federal or state court proceeding or considered for other purposes in any action for damages brought by a private party against the college, unless, in the discretion of the court, any such information is deemed to be material to the underlying claim or defense.

### **XVIII. Record Keeping**

The college will maintain the following records for seven (7) years:

1. Records pertaining to any investigation under this Policy, including the outcome determination, sanction(s), and remedy;
2. Records pertaining to any appeal submitted under this Policy; and
3. Records pertaining to the informal resolution process.

Is this required by regs? This info isn't standard from my office

This information is required to be provided under the Clery Act

Title?

I am unclear what the question is here? The regs provide for this automatic trigger once a Formal Complaint is filed.

## **What to Do If You or Your Friend Were Sexually Assaulted**

### **YOU**

Get to a safe place

Tell someone you trust

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

Preserve Evidence

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

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

Talk to a professional, counselor or special victims center

Follow through – recovery is not immediate

### **A FRIEND**

Get them to a safe place

Believe them and don't blame them

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

Preserve Evidence

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

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

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

Encourage them to follow through-recovery is not immediate

## Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Dominican College will assist victims of sexual misconduct and will provide each victim with an explanation of their rights and options. New York State has an entire article of law dedicated to serving the interests of crime victims. The Fair Treatment Standards for Crime Victims is contained within Article 23 of the Executive Law. The purpose of that act is to ensure that the State's criminal justice system has appropriate standards for the treatment of innocent victims of crime. Much of the information contained in Article 23 is explained in OVS's Rights of Crime Victims in New York State pamphlet which is designed to be an important resource for those who are facing the challenges associated with being a crime victim; it is an excellent source of information on victims' rights relating to judicial proceedings, victim impact statements, restitution and much more. The New York State Office of Victims Services' website can be located at <http://www.ovs.ny.gov/>.

Dominican College complies with New York State Law in recognizing orders 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. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. For further information regarding orders of protection you can visit the New York State Unified Courts Website at <http://www.nycourts.gov/faq/orderofprotection.shtml>. Any person who obtains an order of protection should provide a copy to the D.C. Campus Safety and Security Department. The Campus Safety Department, in conjunction with other D.C. Departments, will work with the complainant to develop a Safety Action Plan, which is a plan for campus safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to; escorts, special parking arrangements, academic accommodations or residential accommodations. Dominican College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the criminal or civil court systems. You may visit the NYS Unified Courts Website, <http://www.nycourts.gov/faq/orderofprotection.shtml> for further information about this process.

Dominican College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, Dominican College will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395(a)(20).) Further, Dominican College will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. D.C. does not publish the name of crime victims nor residential identifiable information regarding victims in the campus safety department's crime log.

## How to be an active bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger DIAL 911 or Call Campus Safety at (914) 403-7531. This could be when a person is yelling at or being physically abuse towards another and it is not safe for you to interrupt. Below is a list of some ways to be an active bystander:

- *Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help ask if they are ok.*

- *Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated. Speak up when someone discusses plans to take sexual advantage of another person.*
- *Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.*
- *Refer people to on or off campus resources listed in this report for support in health, counseling or legal assistance.*

For further information regarding Bystander Awareness and Assistance visit the New York State Department of Health Website, <http://www.health.ny.gov/> , and their **Stop Sexual Violence, A Sexual Violence Bystander Intervention Tool Kit** at <http://www.health.ny.gov/publications/2040.pdf> .

## Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from the Rape, Abuse & Incest National Network, [www.rainn.org](http://www.rainn.org) and other resources):

- **Be Aware** of your surroundings, Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the United States)
- **Don't leave your drink unattended** while talking, dancing, using the restroom or making a phone call. If you've left your drinks alone get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured and carry it yourself. At parties, don't drink from the punch bowls or other large common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had or is acting out of character get him or her to a safe place immediately. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the United States)** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- **If you need to get out of an uncomfortable or scary situation here are some things that you can try.**
  - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends and family can then come to get you or make up an excuse for you to leave.
  - **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.

- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Disciplinary Procedures (other than sexual offenses)

The purpose of the College disciplinary procedures is to adjudicate violations of college rules and regulations. The disciplinary process should be an educational experience that rests upon fairness and the right to due process.

### Adjudication of Non-Academic Matters:

When a Code of Conduct violation is charged, due process is observed as follows: A student accused of violating the Code of Conduct shall be notified in writing of the specific charge(s) against him or her and shall have the opportunity, within a reasonable amount of time, for a hearing to discuss the charge(s). This hearing shall consist of a meeting between the accused student and the Vice President and Dean for Student Development or a designated hearing officer at which time the accused student shall have the opportunity to present his or her full and final version of the facts. Refusal or failure to appear at this hearing will not impede the adjudication process and judgment will be made based on the available evidence and testimony.

### Administration

The Board of Trustees vests in the President the authority to hear and resolve final appeals in any matter. The Vice President and Dean for Student Development is responsible for supervising the disciplinary system. All alleged infractions of the Student Code of Conduct policies are referred to the Office of the Vice President and Dean for Student Development.

### Disposition of Infractions

Disciplinary action usually begins with the witnessing by campus security, residence life staff member, a member of the college administration, faculty, staff or other student of conduct which appears to violate a college policy, rule, or regulation. Any individual wishing to report an incident must notify either the Vice President and Dean for Student Development, the Assistant Dean for Student Development, and/or the Director of Public Safety & Security of the alleged infraction. An individual may be requested to submit a written complaint providing additional detail. The Vice President and Dean for Student Development reserves the right to act in the best interests of the college community in situations that threaten the health, welfare, and safety of students, College personnel and property. The Vice President and Dean for Student Development has the authority to adjudicate those very serious violations of College policy which require immediate attention. All other complaints are forwarded to the Campus Judicial Officers who initiate the campus disciplinary procedure. The Campus Judicial Officers are Senior administrator within the Office for Student Development appointed by the Vice President and Dean for Student Development.

### Student Judicial Records

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that provides regulations regarding the access, review, amendment, and disclosure of student educational records. Student judicial records are included in the definition of educational records. The requirements of this law with respect to student judicial records are covered in the information, which follows.

### Access

Any student has the right to inspect his or her own judicial file. The information contained therein will be made available to the student upon written request forwarded to the Vice President & Dean for Student Development. No one outside the College shall have access to the student's records nor will the College disclose any information from these records without the written consent of the student, except under those circumstances that are permitted by FERPA. Students are advised that potential graduate schools or employers may request information on disciplinary status. Under the FERPA regulations, the College may disclose a student's records to school officials of another institution in which a student seeks to enroll. However, judicial materials will not be sent to any employer unless the student specifically authorized the College to do so in writing. Within the College community, only those members individually or collectively acting in the student's



educational interest are allowed access to student records. It shall be the responsibility of the Vice President & Dean for Student Development in response to any authorized inquiry to inspect the records of any student, and to provide an explanation in writing, if necessary, as to the nature and severity of any violation in which the student in question has been sanctioned.

### **Maintenance of Records**

When a student is found responsible for violating the College's Code of Conduct a disciplinary file for the student is created. This file contains all information pertinent to any and all proceedings in which the student has been involved. Each subsequent time a student is found responsible for violating regulation, his or her record is used in determining a sanction. The records of any student contained in the judicial file shall be maintained by the Office for Student Development until the student's graduation from the College, at which time it will be destroyed. An exception will be made to this policy, however, in those instances where the judicial proceedings resulted in a student's suspension or expulsion (dismissal) from the College. In such a case, a notification will appear on the student's record, and the documents containing the relevant sanction will be maintained to substantiate this notation.

## **Incident Reporting, Emergency or Safety Concern**

All crime victims and witnesses are strongly encouraged to immediately report the crime to the Public Safety and Security Department and the appropriate police agency for both on campus and off campus incidents. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. Dominican College Personnel will conduct investigations and work with law enforcement agencies as appropriate. Community members, students, faculty, staff, and visitors are encouraged to report all crimes, emergencies, and safety concerns to the Public Safety and Security Office in a timely manner.

Reports may be made by calling Public Safety at 845-848-4061 or 4064 using a campus phone or in person at the Public Safety and Security Office in Casey Hall Dominican College. The phone number for the local police department is, Orangetown Police (845) 359-3700. Reports can also be made using the Maxient Reporting system found at [www.dc.edu](http://www.dc.edu).

The Public Safety and Security Department will assist any person who wishes to report any incident or emergency to law enforcement agencies.

A crime, emergency, or safety concern may also be reported to the following Dominican College Officials. These offices are not staffed 24/7, after hour emergencies should be reported to Public Safety.

Director of Public Safety and Security Phone 845-848-4061  
Vice President Student Development Phone 845-848-4079

To report a non-emergency security or safety concern, call Public Safety at 845-848-4061 or extension 4061 using a campus phone or in person at the Public Safety and Security Office in Casey Hall Dominican College.

All incident reports involving students are forwarded to the Associate Dean for Student Development for review and potential Dominican College disciplinary action. Title IX incidents are forwarded to the Title IX Coordinator for processing.

If assistance is required from other law enforcement, local fire departments, or other emergency agencies, the Public Safety and Security Office will contact the appropriate unit.

Reports involving Gender Based Sexual Misconduct (GBSM) may be reported in accordance with the Dominican College Policy. The policy can be found at <http://www.dc.edu/health-safety-wellness/sexual-misconduct-title-ix/>.

Dominican College does not operate off-campus housing and does not have off-campus student organizations. Students, employees, and on campus student organizations participating in DC sponsored off-campus activities should report crime incidents to the local law enforcement agency where the crime occurred and also to the Public Safety and Security Office.

Crimes should be reported to the Public Safety and Security Office to ensure inclusion in the Dominican's annual crime statistics and to aid in providing timely warning notices to the community when appropriate.

In addition to the reporting methods listed above Dominican College relies on the positive relationships with local law enforcement. Local law enforcement agencies contact the Dominican College Public Safety Department with information they deem appropriate involving members of the Dominican College Community. As appropriate, Dominican College will process these reports considering the safety and impact to the college community as well as any violations of the Dominican College Code of Conduct.

## Campus Security Authorities

The Clery Act recognizes certain College officials and offices as "Campus Security Authorities" (CSAs) and members of the campus community may report any crime or emergency occurring on campus or at a College-sanctioned event to these individuals.

The College's CSAs include any member of the Public Safety and Security Department, any individual who has a responsibility for security, but who is not a member of the Public Safety and Security Department, any individual identified by the College as someone to whom a crime should be reported; and any College official who has significant responsibility for student and campus activities. CSAs primary responsibility is to report allegations made in good faith to the reporting structure established by Dominican College.

Individuals who fall under this definition may vary among department and area, and include, but are not limited to:

1. Title IX Officer Ms. Christine Dilts 845-848-5012
2. DC Director of Residence Life 845-848-7600
3. DC VP & Dean of Student Development
4. Public Safety and Security
5. Community Engagement
6. Student Activities
7. Retention
8. Residence Life
9. Residence Assistants
10. Athletic Coaches and Assistants
11. Athletic Trainers
12. Peer Mentors
13. Faculty Advisors
14. Contracted Security
15. Access Monitors

The College's CSAs are required and trained to report incidents of a Clery crime occurring on campus or at a College sanctioned event to Public Safety and Security and, if applicable, the College's Title IX Coordinator for inclusion into the ASR. CSAs are not responsible for determining whether a crime actually took place.

Note: Professional and pastoral counselors may be exempt from disclosing offenses reported to them in the course and scope of such capacity for the purposes of Clery Act compliance. Such exemptions, which are protected by state and federal evidence laws, are intended to ensure these individuals can provide appropriate counseling services without an obligation to report crimes in which they may have learned. See Policy Statement Addressing Counselors later in this report for additional information.

The College's CSAs receive Clery Act training on a regular basis through the Department of Public Safety and Security. Annually, CSAs are provided with instructions regarding Clery Act requirements and campus procedures for implementing



them. Professional counselors and pastoral counselors are advised of any procedures the campus has created for confidential reporting of crimes, such as anonymous tip lines, and are encouraged to inform victims/clients of these procedures should they deem it appropriate.

## ANNUAL DISCLOSURE OF CRIME STATISTICS

The Dominican College Public Safety and Security Department prepares the Annual Fire Safety Report and Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <http://www.dc.edu/health-safety-wellness/security/989-2/>. You will also be able to connect to our site via the DC Home page at <http://www.dc.edu>. This report is prepared in cooperation with the local law enforcement agencies and the Offices of Student Development and Residence Life.

Campus crime, arrest and referral statistics include those reported to the Public Safety and Security Department, designated campus officials (including but not limited to directors, deans, department heads, designated, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. Records to document compliance with the Campus Security Act are maintained for seven years.

Each year by October 1, an e-mail notification is made to all enrolled students, faculty and staff that Dominican College provides the web site to access this report. Copies of the report may also be obtained at the Dominican College Public Safety and Security Department 470 Western Highway, Orangeburg N.Y. 10962 or by calling (845) 848-4061.

For prospective students and employees the full text of this report can be located on our web site at <http://www.dc.edu/health-safety-wellness/security/989-2/>. You will also be able to connect to our site via the DC Home page at <http://www.dc.edu>. Copies of the report may also be obtained at the Dominican College Public Safety and Security Department 470 Western Highway Orangeburg, NY 10962 or by calling (845) 848-4061.

A summary of these statistics may be found in the Campus Crime Statistics section of this report.

### Other Incident Reporting Authorities:

<u>During regular office hours:</u>	<u>Security</u>	<u>845-848-4061</u>
<u>Rosary Hall</u>		
Dean of Students		845-848-4079
Assistant Dean of Students		845-848-5012
Facilities Manager		845-848-4058
Academic Dean		845-848-4000
Security Rover (24/7)		914-403-7531
<u>Cooke Hall</u>		
Director of Fiscal Services		845-848-7814
Director of Human Resources		845-848-7824
<u>Prusmack Center- Director of Security</u>		845-848-6053
<u>Residence Halls- Director of Residence Life</u>		845-848-7600
<u>Hennessy Center- Manager</u>		845-848-7704
<u>Class hours outside regular office hours:</u>	<u>Security</u>	<u>845-848-4064</u>
Casey Hall Evening and Special Sessions		845-848-4038
<u>Back-up numbers for all buildings:</u>		
John Lennon, Security Director		845-848-4061
Jim Corrigan, Security		845-848-4064
Facilities		845-848-4058
Orangetown Police Department		845-359-3700

## Sex Offender Registration

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Clery* Act and the Family Educational Rights and Privacy Act of 1974, the Dominican College Public Safety and Security Department is providing a link to the New York State Division of Criminal Justice Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

### **NYS Division of Criminal Justice - Office of Sex Offender Management Sex Offender Registry**

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

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

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

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

The New York State's Sex Offender Registry home page is located at <http://criminaljustice.state.ny.us/nsor/index.htm>. The Registry helps protect our families and communities by requiring sex offenders to register, and providing this information to law enforcement and the public.

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

### **How do I search for a sex offender?**

To search for a sex offender on line visit the public website - <http://criminaljustice.state.ny.us/nsor/index.htm> . You can search by last name or zip code or County. You can also call **(800) 262-3257**. By calling the 800 number you can obtain information on level 1, 2 and 3 offenders (the public website only lists level 2 and 3 offenders, the 800 line can give information on level 1, 2 and 3). If you call the 800 line you will need the offender's name and one of the following: an exact address, or a date of birth, or a driver's license number, or a social security number.

Note: The unlawful use of the information provided in the above links for purposes of intimidating or harassing another may be a crime punishable by law.

## Campus Law Enforcement Policy

Dominican College utilizes both Public Safety Officials and licensed New York State Security Guards as its law enforcement authority. Public Safety Officials are employees of Dominican College and are supplemented by a contract security agency. Many of the Public Safety Officials have prior law enforcement experience. Public Safety Officials and Security Guards do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on campus. Dominican College Public Safety Officials and Security Guards have the authority to ask persons for identification and to determine whether individuals have lawful business at Dominican College. Public Safety Officials and Security Guards have the authority to issue parking tickets, which are billed to financial accounts of students. Dominican College is located in the town of Orangeburg New York. The Public Safety Department maintains a working relationship with the Town of Orangetown Police Department which is located in close vicinity to the College. The Public Safety Department also works with the New York State Police when necessary. Dominican College encourages the accurate and prompt reporting of all crimes to campus security and the appropriate law enforcement agency. The College cooperates fully with all law enforcement agencies. The College has a written memorandum of understanding (MOU) with the Orangetown Police Department. The Orangetown Police Department and Dominican College have agreed to:

*The Town of Orangetown Police Department (OPD) is the primary law enforcement provider for the Dominican College Campus (DC). Upon notification, OPD will respond and investigate criminal matters and missing persons. If applicable, OPD will enforce all local, state, and federal laws as appropriate. Additionally, OPD will be the primary point of contact as the "911 Center" for Emergency Medical Services (EMS) and Fire Department (FD) request for services at Dominican College.*

All crime victims and witnesses are strongly encouraged to immediately report crime to the Campus Public Safety and Security Department and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

The jurisdiction of the Public Safety Department is consistent with the Dominican College On Campus Clery Act Geography.

For the purposes of this report the following Clery Geography Definitions are used:

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

This includes the following addresses at Dominican College:

Casey Hall	470 Western Highway, Orangeburg NY 10962
Cooke Hall	472 Western Highway, Orangeburg NY 10962
Deporres House	465 Western Highway, Orangeburg NY 10962
Hertel Hall	1 Campus Drive, Blauvelt NY 10913
Prusmack Center	3 Campus Drive, Blauvelt NY 10913
Granito Center	493 Western Highway, Blauvelt NY 10913
Hennessy Center	495 Western Highway, Blauvelt NY 10913
Rosary Hall	480 Western Highway, Blauvelt NY 10913
Forkel Hall	482 Western Highway, Blauvelt NY 10913
Guzman Hall	4 Campus Drive, Blauvelt NY 10913
Siena House	501 Western Highway, Blauvelt NY 10913
House 503	503 Western Highway, Blauvelt NY 10913
Doyle House	2 Convent Road, Blauvelt NY 10913
Veritas House	505 Western Highway, Blauvelt NY 10913
Building 463	463 Western Highway, Blauvelt NY 10913

*Public Property- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The college campus is defined and listed properties in the On Campus Definition.*

*Non-Campus- 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.*

Non-Campus Properties:

Veterans Park Hunt Road Orangeburg NY 10962; Joseph T. St. Lawrence Community, Health and Sports Center 115 Torne Valley Road, Hillburn NY 10931; Palisades Credit Union Park 1 Provident Bank Park Drive, Pomona NY 10970.

## Policy Statement Addressing Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Dominican College is not required to provide a timely warning for non-Clery Act crimes or for crimes reported to a pastoral or professional counselors. There are no other exemptions.

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

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

## Missing Student

### Definition

**Missing College Student-** Pursuant to the NYS Campus Safety Act of 1999, a missing student is any person who is a "student of an institution (college or university) who resides in a facility owned or operated by such institution and who is reported as missing from his or her residence (NYS Education Law 355 (17), NYS Education Law 6206, NYS Education Law 6450). There is no age limit specified in these laws. Colleges and Universities are required to adopt specific policies and procedures to ensure that these cases are handled in an expedient and consistent manner. This includes involvement of and coordination with local police agencies or the New York State Police, whenever warranted by circumstances. This should be based upon written inter agency agreements.

**Missing Child-** A missing child is defined as any person under the age of 18 at the time of disappearance. Missing child defined in NYS Executive Law 837-e, Runaway youth defined in NYS Executive Law 532-a(1). The age criteria may be extended beyond the age of 18, at the discretion of a law enforcement agency, if circumstances warrant (person is mentally incompetent or case indicates abduction and/or endangerment). Types of missing children cases include: non-family abductions (e.g., stranger); familial abductions (e.g., non-custodial parent); acquaintance abductions; runaways; others (e.g. lost or unknown circumstances).

### Notification of Missing Students

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the students’ welfare. **No one should be told that a waiting period must pass before an investigation can be initiated.**

If a member of the College community has reason to believe that a student is missing, he or she should **immediately** notify DC Security at 914-403-7531. Security will generate a missing person report and initiate an investigation. The person’s description, clothes, who they may be with or where they may be, vehicle description and physical and mental well-being of the individual will be obtained. DC Security will conduct a quick, but thorough search of the campus buildings and parking lots using the students’ class schedule. Also a check of the students One-Card usage will be reviewed to determine the last time the card was used as well as any surveillance video. DC Security may also request assistance from Resident Assistants or others to assist in a campus search. If necessary an Omnilert text message may be sent to determine students’ whereabouts. After a search has been conducted with negative results DC will notify Orangetown Police Department at 845-359-3700. The student’s emergency contact will be contacted no later than 24-hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, DC will notify the student’s parent or legal guardian immediately after security has determined that the student has been missing for more than 24-hours. In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted the College in the event the student is determined to be missing for more than 24-hours. If a student has identified such an individual, DC 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 can do so through the College Housing website. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

## Prevention and Education Services Programs

Dominican College (D.C.) 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.

### Students

The first action of prevention occurs during new student orientation. Incoming students are educated as to what sexual misconduct/assault is, the laws regarding sexual misconduct/assault, ways of reducing the risk of becoming a victim of sexual misconduct/assault and procedures for getting help should they encounter any form of sexual misconduct/ assault. In addition, seminars are held during the year on topics such as date rape prevention, self-defense, managing your drinking and behavior, etc.

### Employees

The first action of prevention occurs during commencement of employment. New employees are required to sign the Dominican College Code of Conduct which among other things prohibits violating the Dominican College’s nondiscrimination, workplace violence and sexual harassment policies. New employees meet with the HR Director on first day of employment and receive said policies in the Employee Handbook and again sign that they will read and abide by the policies within. A New Hire Orientation is held once a year for new employees where the history and mission of the College, organization and policies are discussed. Once a year Human Resources sends all employees the Dominican College Discrimination and Harassment Policy to remind everyone of its importance and the necessity for adherence to same. The College invests in the Employee Assistance Program for Higher Ed which is a service that employees and their families can utilize for confidential professional assistance on a myriad of programs. In addition, special training is given to individuals who hold responsibility for insuring compliance with our Title IX. All “responsible” employees under Title IX are required to attend training session during the college wide conference in August or complete the Haven on line course. College employees are also invited to

attend programs presented by the Office of Student Development on related topics; in addition to having seminars presented through the Office of Human Resources.

### **Programs and Initiatives**

**Dominican College Prevention and Education Services**, a program of Student Development, utilizes research-based strategies aimed at correcting misconceptions that encourage inappropriate behaviors associated with use of alcohol and other substances. Prevention and Education Services provide information, activities and events designed to create a healthy campus community and support culture that empowers students to act in accordance with healthy attitudes and values.

Dominican College Prevention and Education Services is a program designed to provide assessment, prevention, education, counseling and appropriate referral services to persons in a college setting. Dominican College Prevention and Education Services offers confidential services to students who are experiencing problems with alcohol and other drugs; students who come from families where alcohol or other drug use was a problem, as well as, to students who are seeking to achieve and maintain sobriety.

Prevention & Education Services classes are attended by students who violate the Code of Conduct re: alcohol and other drugs. Classes are held weekly every semester. Information reviewed in class includes the bio- psycho-, social impacts and consequences of alcohol and other drug use; risk and protective factors, alcohol poisoning, harm reduction, sexual assault and campus-based and external resources.

Prevention & Education Services Coordinator meets annually with all Freshmen Seminar classes to discuss alcohol & other drugs, peer pressure, sexual assault, and consent.

Prevention & Education Services provides annual resources to Resident Assistants and Peer Mentors including the bio-psycho-, social impacts and consequences of alcohol and other drug use, alcohol poisoning, sexual assault, campus-based and external resources, responding and referral skills and self-care techniques.

A Memorandum of Understanding was developed between the Center of Safety and Change and Dominican College. This MOU formalizes the commitment of the parties to work together to provide trauma-informed services to student and employee victims of sexual assault, domestic and dating violence, stalking and sexual misconduct and to improve the overall response to sexual assault, domestic and dating violence, stalking and sexual misconduct at DC.

SafeColleges online program designed to reduce the negative consequences of alcohol amongst students. It is the most widely used alcohol prevention program in higher education, and helps schools comply with Education Department General Administrative Regulations (EDGAR part 86).

For decades, colleges and universities have faced challenges surrounding high risk drinking and substance use among students. Empowering students to make healthy and informed choices about substance use is an important challenge that schools face, and one that research supports. Research indicates that there are large numbers of students who are entering college as part of a healthy majority who seek to create positive, healthy communities and refrain from unhealthy behaviors surrounding substance use, SafeColleges assists with that.

SafeColleges online programs for 2020 include but not limited to: Sexual Harassment Staff to Staff, Title IX Role of Employees, CSA Roles and Responsibilities, Coronavirus Awareness, Coronavirus Managing Stress and Anxiety, Coronavirus CDC Guidelines for Making and Using Cloth Face Coverings, Coronavirus Cleaning and Disinfecting your Workplace.

*Sexual Assault Awareness Week*- Presented April 16, 2020 Sullivan Library developed Virtual Book Display Guide featuring two displays, Women's Suffrage Centennial and Sexual Assault Awareness Week 2020.

Center of Safety and Change- Published first issue of Center of Safety and Change Campus Coordinator Corner in October 2020. The mission of the Center of Safety and Change is to educate students and the community that violence is a problem

everywhere, help is available, there is hope and a path to healing. Their goal is to educate people, address and reduce sexual violence.

“Wear Purple Day”- October 22, 2020. All encourage to wear purple to raise awareness about domestic violence.

The Criminal Justice, Psychology and Social Work departments hosted an interdisciplinary event on Wednesday September 30, 2020. Event featured the screening of the movie *The Bystander Moment: Transforming Rape Culture at its Roots*. Goal of the program was to educate attendees about bystander apathy, shed light on propagation of abuse and rape culture, inspire future criminal justice practitioners, psychologists, and social workers. Discussed how Covid-19 has impacted households as it relates to domestic violence.

*Run, Hide, Fight*- Presentation and film regarding active incidents from Department of Homeland Security emailed to faculty, staff and students.

*Stop The Bleed*- Civilians need basic training in Bleeding Control principles so they are able to provide immediate, frontline aid until first responders are able to take over care for an injured person. Due to many situations, there may be a delay between the time of injury and the time a first responder is on the scene. Without civilian intervention in these circumstances, preventable deaths will occur. Dominican has purchased nine Stop The Bleed kits that have been but around campus to assist in the event of an active incident situation. Stop The Bleed is intended to encourage bystanders to become trained, equipped, and empowered to help in a bleeding emergency before professional help arrives. Training is given to any students or staff interested by a certified Stop The Bleed trainer here on campus.

FBI New York Office conducted an Active Shooter Presentation on February 24, 2020 at Rockland County Firemen’s Academy attended by Director of Public Safety. Presentations made by FBI’s Behavioral Analysis Unit, FBI’s Tactical Unit, FBI’s Hate Crimes Squads and Community Outreach Squad.

*National Association of Clergy Compliance Officers and Professionals 2019 6<sup>th</sup> Annual Conference- Attended virtually by the Director Of Public Safety July 22 through July 24, 2020 from Linthicum, Maryland.*

## Drug Free Campus

Dominican College, in accordance with our mission, is committed to protecting the safety, health, and well-being of all students, employees, and members of our community. As a residential community with a significant number of individual students under the age of 21 residing on campus, we have an even stronger commitment to ensuring that our community is free of alcohol and illegal drugs. Recognizing that alcohol abuse and illegal drug use pose a threat to our educational mission, we have established policies and programs that balance our respect for the individual and concern for the community.

The Drug Free Schools and Campuses Act of 1989 requires an institution of higher education to certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

- In compliance with the Drug Free Schools and Campuses Act, and as a part of our ongoing alcohol and drug prevention programs for students and employees, Dominican College annually distributes the following information:
- Standards of Conduct that clearly prohibit the unlawful possession, use, or distribution of alcohol and illicit drugs on its property or as a part of any of its activities;
- A description of applicable local, state or federal legal sanctions pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol;
- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available drug and alcohol counseling, treatment, rehabilitation, and re-entry programs; and
- A clear statement of the disciplinary sanctions that the College will impose on students and employees who violate the standards of conduct.



Dominican College conducts regular reviews of the Prevention & Education as well as Student and Employee conduct programs to determine its effectiveness, implement needed changes, and to ensure that disciplinary sanctions are consistently enforced.

**For more information, please contact**

- Christine M. Dilts, Assistant Dean for Student Development & Title IX Coordinator  
[christine.dilts@dc.edu](mailto:christine.dilts@dc.edu), 845.848.5012
- Eileen Piccininni, Prevention & Education Coordinator  
[Eileen.piccininni@dc.edu](mailto:Eileen.piccininni@dc.edu), 845.848.4030
- Marybeth Broderick, Director of Human Resources  
[Marybeth.broderick@dc.edu](mailto:Marybeth.broderick@dc.edu), 845.848.7824

**Security Awareness Programs and Crime Prevention Programs**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Public Safety and Security Personnel facilitate programs for students, parents, faculty, residents, and resident advisers providing a variety of educational strategies and tips on how to protect themselves. Members of the Public Safety and Security Department speak at various resident life meetings covering the following topics: security awareness, prevention, risk reduction and avoidance. Dominican College provides information about crime prevention programs during orientation to both incoming students and parents. Public Safety publishes a newsletter each semester to all students, faculty and staff. Campus Public Safety and Security engage in routine, motorized and foot patrol on campus on a 24 hour basis. In the event that a situation arises, either on or off campus, requiring an immediate notification of students, staff and faculty a campus wide Public Safety Advisory may be issued. The warning will be issued through the college e-mail system or via the Omnilert Emergency Notification System to students, faculty and staff.

**Safety Escort Program**

The Department of Public Safety recognizes that you may be uncomfortable walking across campus after dark. With this in mind, a safety escort program has been developed as an alternative to walking alone after dark. This service is offered from dusk to dawn. Daylight escorts will be provided for special circumstances such as illness, injury, or a legitimate fear that would prevent a student from feeling safe while crossing campus. Requests can be made by calling Dominican Security at 914-403-7531 or contacting the Professional Staff member who is on duty. In most instances the officer will respond in a timely manner, however an emergency situation may dictate a longer waiting period for the escort. Please be patient. Safety escorts will be walking or mobile based upon the discretion of the Public Safety Department. The safety escort service is NOT intended to be a taxi service. We strongly encourage you to walk in pairs or small groups especially late at night. Inappropriate use of this service takes security officers away from regular patrol and campus safety issues.

**Psychological Services**

The College provides the opportunity for counseling services for individuals. Students may contact the Counseling Office in Forkel Hall or the Office of Student Development in Rosary Hall for appointments. The counselors are available at posted hours. Their services are confidential and free of charge.

During periods outside of normal office hours and when classes are not in session, incidents should be reported to the security guard on duty in the area. **The Security emergency number is 914-403-7531.** Back-up numbers are listed above.

**Emergency Information**

In the case of a general emergency originating beyond the grounds of the College, all persons are encouraged to contact College officials and/or tune to the Rockland County emergency radio station at 1640 AM. College officials, in such circumstances, will be notified by the county and town officials of the appropriate steps to take.

Law enforcement agency information provided by New York State concerning registered sex offenders may be obtained by accessing the New York State's Sex Offender Registry, located at <http://criminaljustice.state.ny.us/nsor>, which is authorized



and maintained via the New York State Division of Criminal Justice Services. Unlawful use of the information provided in the above links for purposes of intimidating or harassing another may be a crime and punishable by law.

## Campus Crime Statistics

The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education. The statistics reported below conform to the categories contained in the Crime Awareness and Campus Security Act (Clery Act). These data must be submitted to the U.S. Department of Education Office of Postsecondary Education (USDEOPE) by October 18 2021. All data for all institutions are available to the public on the USDEOPE website located at <http://ope.ed.gov/security>.

Please note that the statistics represent reported crimes. These reports did not necessarily result in arrest, conviction or internal disciplinary action. A crime report constitutes an allegation made to any one of several campus security authorities or the local police. The report may or may not have been found to have legal merit. The following indicates the number of crimes reported on campus for the past 3 calendar years. Statistics requested from local law enforcement were not available in a usable format for Clery Act reporting.

### Campus Safety and Security Survey 2021

Criminal offense	On Campus			On-Campus Student Housing			Noncampus buildings or properties			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b. Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	2	1	0	2	1	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	1	0	0	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crime – On Campus				Category for Bias crimes reported in 2020						
	2018	2019	2020	Race	Religion	Sexual orientation	Gender	Disability	Ethnicity	National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0	0

l. Simple assault	0	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0	0
o. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0	0
<b>Hate Crime – On-Campus Student Housing</b>				<b>Category for Bias crimes reported in 2020</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0	0
o. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0	0

<b>Hate Crime – Noncampus buildings or properties</b>				<b>Category for Bias crimes reported in 2020</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0	0
o. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0	0

<b>Hate Crime – Public Property</b>				<b>Category for Bias crimes reported in 2020</b>						
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual orientation</b>	<b>Gender</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>

a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0	0
o. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0	0

VAWA Offenses	On Campus			On-Campus Student Housing			Noncampus buildings or properties			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
a. Domestic violence	0	2	0	0	0	0	0	0	0	0	0	0
b. Dating violence	8	4	1	5	3	1	0	0	0	0	0	0
c. Stalking	0	1	0	0	1	0	0	0	0	0	0	0
Arrests	On Campus			On-Campus Student Housing			Noncampus buildings or properties			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
a. Weapons: carrying, possessing, etc.	1	0	0	0	0	0	0	0	0	0	0	0
b. Drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
c. Liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions	On Campus			On-Campus Student Housing			Noncampus buildings or properties			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
a. Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
b. Drug abuse violations	33	35	5	32	33	5	0	0	0	0	0	0
c. Liquor law violations	89	27	36	89	27	36	0	0	0	0	0	0

	2018	2019	2020									
Total Unfounded Crimes	0	0	0									
Fires	Summary			2018			2019			2020		
	2018	2019	2020	Fires	injuries	Deaths	Fires	injuries	Deaths	Fires	injuries	Deaths
Hertel Hall (470)	0	0	0	0	0	0	0	0	0	0	0	0
Rosary Hall (471)	0	0	0	0	0	0	0	0	0	0	0	0
Gruzman Hall (472)	0	0	0	0	0	0	0	0	0	0	0	0

## Security Do's and Don'ts

### Advice for Students:

- Don't think you're leaving the real world, and that crime never happens on campus.
- Don't tend to treat everyone new you meet as an immediate friend.
- Don't leave valuables (such as computers) exposed and unsecured when not in use.
- Do lock doors and windows, whether leaving your dorm, home, classroom or office for long or short periods.
- Do keep your purse or knapsack tightly closed and with you at all times.
- Don't walk alone!
- Do avoid dark or isolated places.
- Do challenge strangers in your dorm in a friendly manner, such as by asking, "Excuse me, are you looking for someone?"
- Don't go home with or "bring home" a relative stranger.

### Advice for Parents and Students:

- Don't assume either rural or city campuses are automatically safe.
- Don't bring unnecessary valuables (such as irreplaceable jewelry) that probably won't be used on campus. Acquire Theft Insurance if you don't have it already.
- Do take exact inventory—with copies of written records—of all possessions brought to campus.
- Do report anything at all suspicious to security—even seemingly insignificant details can help build crime patterns.

### Advice for Parents and Families:

- Do find out exactly what security is provided, and learn how to get in touch with your son or daughter at school.
- Do encourage a "healthy suspicion" in your son or daughter soon to be exposed to new experiences and people.
- Do be certain that your homeowners or renters insurance covers losses off-site or obtain a rider to this effect.

## Dominican College Policies on Alcohol and Other Drugs

As part of its mission, the College seeks to foster personal and social development in a value-centered environment. In light of this commitment, the College takes as a serious responsibility the opportunity to educate and inform on issues which directly relate to human development in its broadest context.

Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver or sell, or possess with intent to manufacture controlled substances. The penalty imposed depends upon many factors, including the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Additional information concerning legal sanctions regarding alcohol and other drugs is available in the Office of Student Development.

The use of alcohol can lead to serious health risks, such as the loss of muscle control, poor coordination, slurred speech, fatigue, nausea, headaches, increase likelihood of accidents, impaired judgment, possible respiratory paralysis, and death. Heavy drinking can lead to alcoholism; damage to brain cells; increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of the liver, mouth, throat and stomach; hallucinations; and personality disorders.

Health risks associated with the use of drugs include increased susceptibility to disease due to a less efficient immune system, increased likelihood of accidents, personality disorders, addiction, and death by overdose, anemia, and poor concentration. Additional information about how the use of alcohol and other drugs affect your health is available in the Office of Prevention and Education Services.

The College has adopted and implemented a program to prevent the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol by students and employees in accordance with the federal Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). As part of that program, the College provides or offers referrals and/or rehabilitation to students and staff. Counseling and/or referral is available by appointment with the Prevention and

Education Coordinator, 845-848-4030 and through a variety of community programs represented in the literature available in the Office of Prevention and Education Services in Forkel Hall. Other suggested resources are:

Recovery Services, Dept. of Mental Health, (845) 267-2172

Alcoholics Anonymous, (845) 352-1112

Rockland Council on Alcoholism and Other Drug Dependence, (845) 215-9788

Please refer to the College's Alcohol and Drug Prevention Program (see Volume II of the Policy Manual) for additional information.

### **Alcohol**

Dominican College recognizes that throughout the college experience, students may be exposed to alcohol use. It is our hope to educate students to make responsible choices. We also abide by state and local laws regarding drinking. Please make good choices and please be aware that we are here both to help make responsible choices and to abide by state and local laws. It is the goal of Student Development to provide students with an atmosphere that supports their academic progress. Student Development, Residence Life, and Campus Safety will take necessary actions to ensure the environment remains secure and productive. Dominican College expects all students to acknowledge, understand, and abide by the rules and regulations of the College, as well as federal and state laws regarding the use, sale, and distribution of alcohol.

No individual, regardless of age, may possess, consume, and/or be in the presence of alcoholic beverages on the Dominican College campus, unless at a function approved by the President of the College. [*Dominican College is a Dry Campus.*]

Alcohol paraphernalia is not allowed, and its presence is grounds for a room search.

Alcohol containers, either opened or unopened, for display are not permitted.

Residents knowingly present of alcohol or alcohol paraphernalia in the residence halls, whether consuming alcohol or not, may be in violation of this policy.

Residents who invite guests, whether it is a resident or non-resident, who bring alcohol into their building/suite/room may be in violation of this policy.

Public intoxication is prohibited. Anyone violating this policy may be arrested or transported to the hospital at his/her own expense.

### **Illegal Drugs**

Students are expected abide by all federal, state, and local laws regarding illegal drugs and controlled substances.

Possession of, and/or being knowingly in the presence of illegal drugs or controlled substances is prohibited.

Possession of drug paraphernalia including but not limited to, wrappers, pipes, homemade smoking devices, and non-prescribed medication or syringes, is also considered a violation of this policy.

The sale or distribution of a controlled substance is prohibited.

The smell of marijuana is considered evidence of use, cause for further investigation, and all parties present may be held responsible. For your own protection, please remove yourself from a situation where drugs are present.

Residents who invite guests, whether it is a resident or non-resident, who bring illegal drugs and/or drug paraphernalia into their building/suite/room may be in violation of this policy.

**Good Samaritan Provision:** Whenever a student assists an intoxicated individual in procuring the assistance of local or state police, security staff, residence life staff, or other medical professionals, neither the intoxicated individual, nor the individual who assists will be subject to disciplinary action (such as probation or removal from the residence hall) with respect to the alcohol incident. This provision does not preclude disciplinary action regarding other violations, such as theft, sexual harassment/assault, vandalism, etc. Individuals who are combative or not cooperative with the student, staff member, law enforcement or medical professionals assisting will not be eligible for this provision.

This provision offers a health-related response to the incident rather than a disciplinary consequence and does not excuse or protect those individuals that deliberately or repeatedly violate the Alcohol Policy. In order for this policy to apply, the intoxicated student must agree to timely referral to Prevention and Education Services for completion of alcohol education activities, and/or an assessment referral depending on the level of concern for student's health and safety. Additionally, the College reserves the right to notify parents and/or guardians of alcohol and/or drug incidents in accordance with our policies. Serious or repeated incidents will prompt a higher degree of response. Failure to comply with and complete recommended

follow-up by Prevention and Education Services may result in disciplinary action and could prompt the imposition of a medical withdrawal. The Good Samaritan provision does not limit the authority of law enforcement personnel or Residence Life staff to act as required at the time of an alleged violation.

*Please see the Student Code of Conduct for additional information on the Alcohol and Drug policies, as well as the College's Alcohol and Drug Prevention Program (see Volume II of the Policy Manual).*

The College policy is not intended to punish people who seek rehabilitation. All information provided to people who voluntarily avail themselves of drug and alcohol counseling or rehabilitation services will be confidential. All students must comply with New York State law and these alcohol regulations. The College will enforce Federal and State underage drinking laws. The College does not condone the use of alcoholic beverages and prohibits their abuse or illegal consumption. Any violations of the College drug policy may be reported to all appropriate law enforcement authorities. All students must comply with New York State law and these drug regulations. The College will enforce Federal and State drug laws.

## **Disclosure to Alleged Victims of Crimes**

Upon written request, the College will disclose to the alleged victim of a Violence or Non-forcible Sex Offense, the results of any investigation and/or due process hearing conducted by the College against a student or employee who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime of Violence or Non-forcible Sex Offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **Discrimination Policy**

As an institution devoted to learning, openness, and the life of the mind, the College's character as a community is measured in part by the kind of human relationships we build and sustain within this small, but complex place. We flourish together to the degree that we practice the virtues of mutual respect, generosity, and concern. Accordingly, it is vitally important that we resist inappropriate discrimination of any kind including the use of words and/or symbols generally understood to be indicators of bias. Nor will we permit violence or coercion in any form.

## **General Security Related Regulations**

### **Identification Card**

After Registration, each student receives an ID card which must be carried at all times on campus. ID cards are obtained from the DC One Card Office located in Casey Hall. The student is required to present it upon the request of any authorized official of the College. The ID is required for entrance into a dorm, attendance at social, athletic and cultural events. It is also one's library card and serves as admission to the Hennessy Center. Resident students are required to swipe their card to gain access to housing and present their card to security upon entry.

### **Parking and Traffic**

It is the responsibility of all faculty, staff, and students operating a motor vehicle on campus to register their vehicle and to learn and obey these parking and traffic regulations. Ignorance of the provisions of these regulations will not be accepted as a defense for violations. Specific questions relating to these regulations may be directed to the Department of Public Safety and Security.

### **I. Driver Responsibilities**

- All members of the College community must register their vehicle for campus privileges. By registering the vehicle, the person agrees to abide by all traffic and parking regulations whenever the vehicle is on campus. Registrant is responsible for all fines in addition to any towing fees.
- Those registering a vehicle will receive a parking sticker. The parking sticker must be visible on the front windshield of the car. Those with New Jersey license plates may place sticker on rear window or side window due to state inspection rules. It is the responsibility of the owner or operator of the vehicle to insure that the decal remains affixed at all times and is legible. Commuter, staff/administrator/faculty decals and temporary parking permits may also be obtained at the Casey Hall Public Safety and Security Office:
  - a. Vehicles displaying decals differently than as described (i.e., taped, on dashboard) above will be considered unregistered and will be subject to citations for improper display and tow. If decal is misused it will become void and vehicle(s) displaying that decal will be towed from campus at owner's expense.
- Dominican College assumes no liability for damage or loss to private vehicles, their occupants, or contents while on College property.
- Parking and use of vehicles on campus without registration or permission from the college or in violation of regulations is prohibited.
- No person shall operate a motor vehicle on campus except on designated campus roadways.
- Vehicles shall not be operated beyond posted speed limits. The campus speed limit is 15 MPH.
- No person shall park a motor vehicle other than in designated parking areas unless specifically authorized by the College.
- Drivers on campus must obey all College regulations and all provisions of the New York State Vehicle and traffic law. Drivers must obey all traffic signs and directions from Security personnel who have been given the responsibility to enforce all traffic regulations.
- Vehicles must be operated in such a manner as not to endanger or injure pedestrians, property or other vehicles and drivers. The Public Safety and Security Department will randomly enforce stop sign and unsafe operation of vehicle violations. Violators will not be stopped by the Public Safety and Security officer. A citation will be mailed to the violator's appropriate address, or placed on vehicles windshield if seen on campus.
- Vehicles that are inoperative or abandoned on campus are subject to towing at the owner's expense. (See Section 1224 of the New York Vehicle and Traffic Law, "Abandoned Vehicles").
- A fine is a financial obligation to the College. Fines must be paid prior to class registration and the release of grades, transcripts or diplomas. Student citations will be placed on your bursar account. All citation activity accrued by a faculty/administrative/staff member will be posted to their traffic account. This account must have a zero balance prior to the issuance of a new decal.
- Chronic violators of College regulations who accrue \$200 or more in fines will be reported to the Vice President for Student Development/Dean of Students or appropriate department heads as applicable for disciplinary action, or may be towed if circumstances warrant, at their own expense.

## **II. Registration**

Any faculty, administrator, staff member or student who operates a motor vehicle while on campus property must register that vehicle with the College in order to receive a campus parking decal. In order to obtain a campus parking decal, each applicant must show a valid state vehicle registration. Applicants must also show proper Dominican identification. Campus registration entitles a person to drive on campus and to park in designated parking spaces in parking lots only. Vehicles may be registered at the Casey Hall Public Safety and Security Office. Temporary parking permits may also be obtained at the Department of Public Safety and Security.

## **III. Safety and Security Department**

Public Safety and Security personnel enforce traffic and parking regulations. Public Safety and Security personnel are also available to answer questions pertaining to particular problems, such as disabled cars, borrowed cars, temporary parking permits and special loading problems.

Public Safety and Security personnel will provide assistance to the College community whenever possible. Services include but are not limited to battery boosts, escorts on campus and providing telephone numbers of local tow operators for more extensive services.

The Public Safety and Security Department maintains a computerized record of all citations issued by officers and receives all appeals for citations issued.

#### **IV. Citation Appeal Process**

Appeals must be submitted in writing mailed to or dropped off at the Department of Public Safety and Security within seven (7) days of the violation. The appeal form can be obtained at the Department of Public Safety and Security in Casey Hall.

Each appeal will be judged. The applicant will be notified of the decision. Include as much factual information and documentation as possible with the appeal.

If you are not satisfied with the decision rendered, you may submit a second appeal following the same procedure as above and include any additional information that you think may support your position. If you are still dissatisfied, call the Department of Public Safety and Security to make an appointment to appeal your citation in person.

Students may pay for traffic fines by mail or in person at the Business Office. A copy of the summons must be presented with payment; check or money order should be made out to Dominican College. Staff, administrators and faculty can pay for outstanding traffic fines by check or money order at the Business Office also.

#### **V. Parking Regulations**

##### *A. General*

Spaces and parking lot sections reserved for disabled persons, specified visitors, faculty and service vehicles are restricted at all times. A decal merely authorizes parking on campus; it does not guarantee the availability or location of a parking space.

##### *B. Visitors*

All members of the College community are responsible for their guests and the citations they may receive. Guests must obtain a temporary parking permit and comply with all regulations in this guide. Visitors who do not comply with the parking regulations may have their vehicle towed or banned from campus.

##### *C. Special Parking Privileges*

The following special parking permits are issued by the Department of Public Safety and Security only. Abuse of special parking privileges will result in automatic revocation of same.

**! No standing or parking without permit under any circumstance. Unauthorized parking in handicapped space will result in a fine and will be subject to tow.**

1. Disabled Persons: Parking spaces for the disabled are reserved for those who have special handicapped license plates or permits for handicapped parking, which are issued in their name by the State, County or Town of residence. Any vehicle displaying a fraudulent tag will be towed and parking privilege revoked.
2. Temporary Disabled Persons: Members of the College community who suffer a temporary disability that clearly affects their ability to walk may apply to the Department of Public Safety and Security for a temporary handicapped-parking permit. Any person with a temporary disability must present to the Department of Public Safety and Security a doctor's letter on official stationery specifying the medical problem. This medical documentation must include an expiration date for handicapped parking privileges.

##### *D. Restricted Areas*

1. Loading Zones and Deliveries: Each academic building on campus and each dining hall are provided with a loading zone adjacent to the building. No parking is permitted in loading zones except for commercial vehicles making deliveries.



Temporary standing is permitted in fire lanes for resident halls only during check-in or check out. Hazard lights must be left flashing during these times. The vehicle must be moved to a legal parking space as soon as the vehicle is unloaded.

2. **Fire Zones and Fire Lanes:** All campus roads are fire lanes and all unmarked spaces in a parking lot are a fire lane. Each loading zone is by definition a fire zone. Fire zones are areas paved and unpaved that permit fire-fighting equipment to come as close to a building as possible. Any vehicle parked in a fire zone is subject to towing without warning. Parking or standing is not permitted in a fire lane. While the College will attempt to mark all fire lanes and fire zones in general, lack of such markings will not relieve a violator of responsibility for obeying regulations. Parking in a fire lane will result in a fine plus possibility of towing.
3. **Walkways:** Walkways include any paved way on campus that is not defined as a roadway. No driving or parking is permitted on any walkway except under emergency circumstances.
4. **Towing:** All vehicles are subject to towing off campus and impounding at the owner's expense by an outside agency if: illegally parked and/or it constitutes a safety hazard, is in violation of any parking regulations, has accrued \$200 or more in citations, interferes with college operations or is not moved upon notice. In addition, specific College policy allows towing of vehicles off campus as follows:
  - a. Any vehicle that obstructs a roadway, loading ramp, garbage dumpster, or who in any other way obstructs traffic, may have their vehicle towed at the owner's expense;
  - b. Any vehicle parked or standing without proper handicap authorization in a space reserved for a handicapped person will be subject to tow. The handicap authorization must be in the name of the operator of the vehicle. Any fraudulent use of handicaps will be reported to the issuing municipality;
  - c. A vehicle may be towed whenever it is parked in other than a clearly marked parking space. Any individual who fails to clear a number of parking citations may have their vehicle towed.

#### *E. Parking at Campus Buildings*

\* Ignorance of the provisions of the regulations will not be accepted as a defense.

##### **Parking at Casey Hall:**

- Limited to faculty staff and commuter students.
- Resident students are not allowed to park at Casey Hall.

##### **Parking at Cooke Hall:**

- Limited to faculty, administrators, and staff. There is no student parking (resident/commuter) allowed at Cooke Hall.
- Faculty and staff are reminded that the visitor spots at Cooke are for visitors, not employees of the College.

##### **Parking at Hertel Hall:**

- Limited to resident life staff, College maintenance vehicles and resident upperclassmen who have been issued special parking stickers.
- Remaining resident upperclassmen and underclassmen are to park in the main lot located on Western Hwy.

##### **Parking at Forkel/Rosary Hall:**

- Limited to faculty, administrators, and staff.
- Students (resident/commuter) must park in main lot on Western Hwy.
- There is no parking in the spots designated "Sisters Parking" or behind St. Dominic's School.

##### **Parking at Prusmark Hall:**

- Limited to faculty, administrators, staff and commuter students.
- Resident students are not allowed to park at Prusmark.

##### **Parking at Guzman Hall**

- Limited to residents of Guzman Hall with properly registered vehicles.
- Handicapped parking spots in front of Guzman Hall are for vehicles displaying handicapped permits.

##### **Parking at Hennessy Center**

- Limited to administrators, faculty, staff, commuting students, and visitors to the College.
- Resident student athletes and resident students are prohibited from parking their private vehicles in front of Hennessy Center. All resident students must park in their assigned lot.

##### **Parking at Rosary Main Lot (Western Highway)**

- Parking at this location is available to all who attend Dominican College. This area is the main parking area for the Sullivan Library, Forkel Hall, and any of the offices in Rosary Hall.

#### **Parking at Sullivan Library**

- Parking for the Sullivan Library is available in the main lot on Western Highway. Parking for faculty and staff is available in front of Rosary Hall at designated spots.

**! Tickets will be issued for violations; fines must be paid at the Business Office.**

**! After 4 tickets vehicles will be booted until the fines are paid.**

#### *F. Parking Decals*

- Freshman Resident (color changes annually) - Parking restricted to Rosary Main Lot.
- Upper Classman Resident (color changes annually) - Parking restricted to assigned dorm lot, sticker must be obtained from resident director.
- GREEN: Commuter Student - Parking available at Casey Upper Lot, Prusmack Lot, Rosary Main Lot, and Hennessey Lot.
- PURPLE: Faculty/Staff/Administrators - May park in any lot on Campus.

Note: Resident seniors will be given a special decal that will allow them to park in front of Hertel Hall. Under no circumstance will a resident student be allowed to park in the Prusmack Lot.

#### *G. Letter Qualifications and Restrictions*

Individuals with special issues or restrictions regarding parking must go to the Department of Public Safety and Security located at Casey Hall.

#### *H. Temporary Medical Parking*

Individuals suffering from a temporary disability that affects their ability to walk may apply to the Department of Public Safety and Security for a temporary handicapped-parking permit. A doctor's letter on official stationery specifying the medical problem must be submitted. This medical documentation must include an expiration date for handicapped parking privileges. The Department is located in Casey Hall.

### **VI. Parking and Traffic Sanctions**

#### *A. Fines*

All parking and traffic violations are subject to fines based on the violation as set forth in the Dominican College Parking and Traffic Guide. If a fine is not paid or an appeal filed within seven (7) working days from the date of the violation the registrant will be held liable. Fines can be paid by check or money order payable to Dominican College at the Business Office in Cooke Hall. The following is a list of some of the violations:

1. Operating a vehicle in a reckless manner;
2. Failure to adhere to conventional traffic regulations and signs;
3. Parking in an entrance, exit, traffic lane or fire lane;
4. Illegally parked in such a way as to constitute a hazard to vehicular and pedestrian traffic or to the movement or operation of emergency equipment;
5. Parking in a handicapped parking space without authorization or without (HP) or (DV) license plates;
6. Parking in an unauthorized lot or space reserved for faculty, administrators, staff, sisters, maintenance, special parking, etc.;
7. Failure to obey directions of a member of the Department of Public Safety and Security in the execution of the member's duties;
8. Parking in such a manner that an adjoining space is rendered unusable;
9. Failure to register vehicle;
10. Failure to display parking permit as directed;
11. Fraudulent registration;

12. Failure to conform to posted signs;
13. Failure to conform to indicated traffic flow;
14. No student parking at Cooke Hall at any time.

#### **FINE SCHEDULE**

Fines vary according to violations and are listed in the Dominican College Parking and Traffic Guide.

#### **VIOLATIONS**

- No Permit/Unregistered
- Display of Unauthorized or Altered Decal/Permit
- Parked in Two Spaces/Double Parked
- Parked in Restricted Area
- Parked in Staff/Faculty Area
- Parked in Fire Zone
- Parked in Handicapped Space
- Parked Off Pavement or Roadway
- Unsafe Operation of Vehicle
- Disobey Traffic Sign
- Failure to Obey Public Safety Security

##### *B. Towing/Use Immobilization Device*

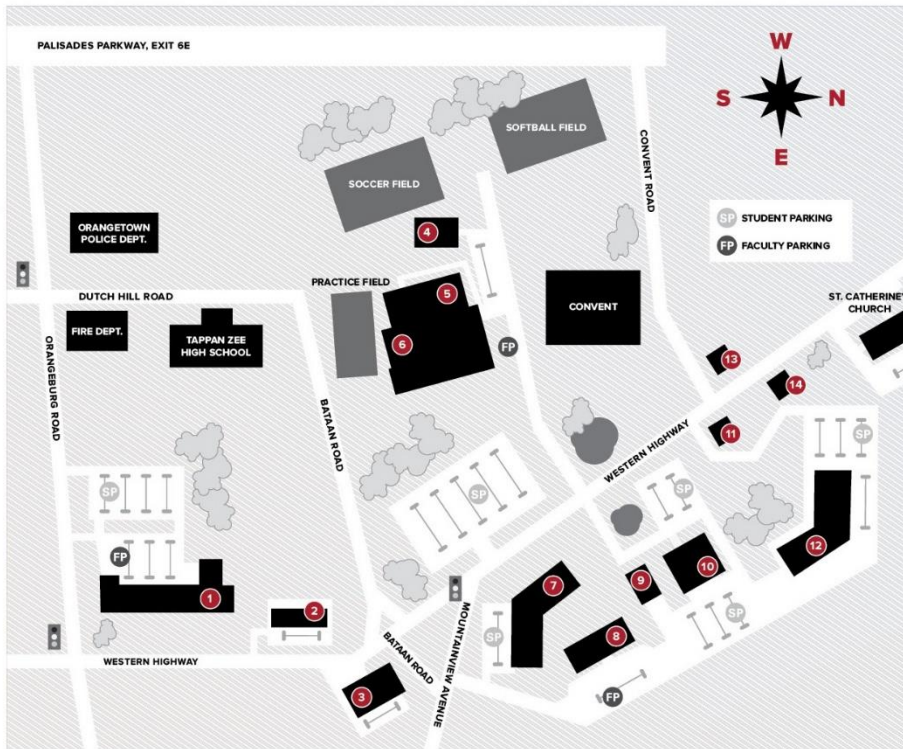
In addition to fines, the College reserves the right to remove and impound any vehicle found on campus that is parked in a driveway, fire lane, is blocking a loading dock or trash dumpster, or is illegally parked in such a way as to constitute a hazard to vehicular and pedestrian traffic or to the movement of emergency equipment. The owner will be responsible for the costs involved in removing, impounding, and storing such a vehicle. The College is not responsible for damage to a vehicle resulting from towing or immobilizing a vehicle.

Moreover, when a vehicle is determined to have four or more unsatisfied violations charged against it, the vehicle will be impounded by an immobilization device (boot) until all outstanding violations have been satisfied and payment is made to remove the device. The College is not responsible for damage to a vehicle resulting from a towing or immobilization device.

##### *C. Parking Banning*

Flagrant violations of the College parking and traffic regulations may also result in banning. Banning is the loss of the privilege to operate or park a motor vehicle on campus. Banning decisions are determined by the College Director of Public Safety and Security.

# Dominican College Campus Map



- 1 CASEY HALL** Academic Affairs and Academic Dean's Office, Accounts Payable, Campus Ministry, CASE (Center for Adult Student Education), Charger Café, Classrooms, Community Engagement and Leadership Development, DC1 Card Office, Facilities, Faculty Offices, Information Technology, Mail Room, New Student & Transition Center, Palisades Room, Parking Center, Payroll, Public Safety and Security, Purchasing Office, Student Activities Office, and Student Lounge
- 2 COOKE HALL** Bursar's Office, Chancellor, Enrollment Management, Fiscal Affairs, Financial Aid, Human Resources, Institutional Research, Office of the President, and Registrar
- 3 DEPORRES HALL** Admissions
- 4 FORKEL HALL** Classrooms, Coaches' Offices, and Student Counseling Center
- 5 SULLIVAN LIBRARY** Learning Commons
- 6 ROSARY HALL** Academic Success Center, Career Development Center, Lawrence Room, Office of Residence Life, Office of Special Services, Rosary Chapel, Residence Center, and Dean of Students Offices
- 7 HERTEL HALL** Residence Center
- 8 PRUSMACK CENTER** Classrooms, Laboratories, Faculty Offices, The Low Vision Center, and Fury Lecture Hall
- 9 GRANITO CENTER** Badami Board Room, Bookstore, Cafeteria and Dining Room, Campus Health Center, Corless Commuter Lounge, and GCC Meeting Room
- 10 HENNESSY CENTER** Athletic Offices, Fitness Center, Gymnasium, Holt Room, and Indoor Suspended Track
- 11 SIENA HOUSE** Alumni Relations, Annual Fund, Office of Institutional Advancement, and Special Events Office
- 12 GUZMÁN HALL** Residence Center
- 13 DOYLE HALL** Graduate Admissions, Transfer Admissions, Adult and Online Program Admissions
- 14 VERITAS HOUSE** Marketing and Communications

## Clery Definition

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

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

- *Criminal Homicide:*
  - *Murder and Non-negligent Manslaughter:* The willful (non-negligent) killing of one human being by another.
  - *Manslaughter by Negligence:* The killing of another person through gross negligence.
- *Sexual Assault (Sex Offenses):* Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - *Rape:* The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest:* 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
- *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 a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses. An incident must meet **three conditions** to be classified as a Burglary. 1) There must be evidence of an unlawful entry (trespass). 2) The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. 3) The structure was unlawfully entered to commit a felony or a theft. If the intent was not to commit a felony or a theft, the incident is not a Burglary.
- *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, personal property of another, etc.

### *Hate Crimes*

Hate Crimes are offenses and crimes involving bodily injury reported to local police agencies or to a Campus Security Authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias or because the perpetrator perceived the person to be in one of the protected group categories. The protected group categories include:

- *Race:* A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- *Religion:* A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- *Sexual orientation:* A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- *Gender:* A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

- *Gender Identity* (added 3.7.13): A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- *Ethnicity*: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- *National origin*: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- *Disability*: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

*Additional Reportable Offenses if they are Hate Crimes:*

For Clery purposes, hate crime offenses and crimes also include any of the following offenses that are motivated by bias:

- *Larceny-Theft*: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- *Simple Assault*: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- *Intimidation*: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- *Destruction/Damage/Vandalism of Property*: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

*VAWA (Violence Against Women Act) Offenses:*

- *Dating violence*: Means 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.
- *Domestic violence*: Includes felony or misdemeanor crime of violence committed 1) by a current or former spouse or intimate partner of the victim, 2) by a person with whom the victim shares a child in common, 3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, 4) 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 5) 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.
- *Stalking*: Is engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for the person's safety or the safety of others; or 2) suffer substantial emotional distress. For the purposes of this definition: 1) *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, 2) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim, and 3) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

*Others*

- *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. This classification encompasses weapons offenses that are regulatory in nature.
- *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.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Note: All liquor, drug and weapon law/policy violations are referred to the Student Development Office. Per the Clery Act requirements the liquor, drug and weapon statistics reported in the ASR only include federal, New York and local law violations that were referred to the Student Development Office. They do not include College policy violations alone.

### Geography definitions from the Clery Act

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

**On-Campus Student Housing Facility-Defined as:** any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

The DC Crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## New York State Penal Law Definitions

### S 120.40 Definitions.

For purposes of sections 120.45, 120.50, 120.55 and 120.60 of this article:

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

menacing in the third degree, as defined in section 120.15; criminal mischief in the third degree, as defined in section 145.05; criminal mischief in the second degree, as defined in section 145.10; criminal mischief in the first degree, as defined in section 145.12; criminal tampering in the first degree, as defined in section 145.20; arson in the fourth degree, as defined in section 150.05; arson in the third degree, as defined in section 150.10; criminal contempt in the first degree, as defined in section 215.51; endangering the welfare of a child, as defined in section 260.10; or

- d. stalking in the fourth degree, as defined in section 120.45; stalking in the third degree, as defined in section 120.50; stalking in the second degree, as defined in section 120.55; or
- e. an offense in any other jurisdiction which includes all of the essential elements of any such crime for which a sentence to a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in this state irrespective of whether such sentence was imposed.

**S 120.45 Stalking in the fourth degree.** (NB Effective until October 21, 2014)

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- 1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- 2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
- 3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the fourth degree is a class B misdemeanor.

**S 120.45 Stalking in the fourth degree.** (NB Effective October 21, 2014)

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- 1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- 2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
- 3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

Stalking in the fourth degree is a class B misdemeanor.

**S 120.50 Stalking in the third degree.**

A person is guilty of stalking in the third degree when he or she:

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



4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the third degree is a class A misdemeanor.

#### **S 120.55 Stalking in the second degree.**

A person is guilty of stalking in the second degree when he or she:

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

Stalking in the second degree is a class E felony.

#### **S 120.60 Stalking in the first degree.**

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or
2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

#### **S 120.70 Luring a child.**

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

#### **S 130.00 Sex offenses; definitions of terms.**

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina. (b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
  - a. use of physical force; or
  - b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.
9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.
13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

**S 130.05 Sex offenses; lack of consent.**

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
  - (a) Forcible compulsion; or
  - (b) Incapacity to consent; or
  - (c) 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 acquiesce in the actor's conduct; or
  - (d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, 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.
3. A person is deemed incapable of consent when he or she is:
  - (a) less than seventeen years old; or
  - (b) mentally disabled; or

- (c) mentally incapacitated; or
- (d) physically helpless; or
- (e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means
  - (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties:
    - (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or
    - (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or
  - (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or
  - (iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or
- (f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or
- (g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or
- (h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or
- (i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and

who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

**S 130.10 Sex offenses; limitation; defenses.**

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.
2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article.
3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was not performed for a valid medical purpose.
4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section 130.00 of this article.

**S 130.16 Sex offenses; corroboration.**

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

- (a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual conduct, or sexual contact, as the case may be, at the time of the occurrence; and
- (b) Connect the defendant with the commission of the offense or attempted offense.

**S 130.20 Sexual misconduct.**

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

**S 130.25 Rape in the third degree.**

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than

seventeen years old; or

3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.

**S 130.30 Rape in the second degree.**

A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

Rape in the second degree is a class D felony.

**S 130.35 Rape in the first degree.**

A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

**S 130.40 Criminal sexual act in the third degree.**

A person is guilty of criminal sexual act in the third degree when:

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

**S 130.45 Criminal sexual act in the second degree.**

A person is guilty of criminal sexual act in the second degree when:

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

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

**S 130.50 Criminal sexual act in the first degree.**

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

**S 130.52 Forcible touching.**

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

**S 130.53 Persistent sexual abuse. (NB Effective until November 1, 2014)**

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

**S 130.53 Persistent sexual abuse. (NB Effective November 1, 2014)**

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

**S 130.55 Sexual abuse in the third degree.**

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

Sexual abuse in the third degree is a class B misdemeanor.

**S 130.60 Sexual abuse in the second degree.**

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

**S 130.65 Sexual abuse in the first degree.**

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old; or
4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.

Sexual abuse in the first degree is a class D felony.

**S 130.65-a Aggravated sexual abuse in the fourth degree.**

1. A person is guilty of aggravated sexual abuse in the fourth degree when:
  - (a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
  - (b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than

seventeen years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.

**S 130.66 Aggravated sexual abuse in the third degree.**

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

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

**S 130.67 Aggravated sexual abuse in the second degree.**

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

Aggravated sexual abuse in the second degree is a class C felony.

**S 130.70 Aggravated sexual abuse in the first degree.**

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

Aggravated sexual abuse in the first degree is a class B felony.

**S 130.75 Course of sexual conduct against a child in the first degree.**

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

Course of sexual conduct against a child in the first degree is a class B felony.

**S 130.80 Course of sexual conduct against a child in the second degree.**

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

other charged offense occurred outside the time period charged under this section.  
Course of sexual conduct against a child in the second degree is a class D felony.

**S 130.85 Female genital mutilation.**

1. A person is guilty of female genital mutilation when:
  - (a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
  - (b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.
2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
  - (a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
  - (b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony.

**S 130.90 Facilitating a sex offense with a controlled substance.**

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

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

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

**§ 130.91 Sexually motivated felony.**

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

**S 130.92 Sentencing.**

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a



violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.

2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.
3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

#### **S 130.95 Predatory sexual assault.**

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

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

Predatory sexual assault is a class A-II felony.

#### **S 130.96 Predatory sexual assault against a child.**

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

Predatory sexual assault against a child is a class A-II felony.