



**Alliance University Annual Security  
and Fire Safety Report  
2022**

**(Reporting statistics from  
2019 through 2021)**

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The Student Right-to-know and Campus Security Act	1
Reporting Locations	1
Security and Access	1
Academic/Administrative Areas	2
Residence Hall	2
Soliciting and Commercial Activity	2
Annual Fire Safety Report	3
Fire Statistics	3
Kerry Rose Fire Sprinkler Notification Act	4
Fire Safety	5
If the Fire Can be Extinguished	5
If the Fire Cannot be Extinguished	5
For Occupants of the Building	5
For Persons Evacuating from the Immediate Area	5
Residence Hall Procedures	5
Electronic Items in Residence Halls	5
Fire Safety in Residence Halls	5
Fire Safety Training/Education	6
Evacuation Procedures	6
Evacuation Instructions	7
Procedures for Building/Area Safety Coordinator	8
Physical Head counts after Evacuation	8
Confirmation that Each Room has been Completely Evacuated and the Doors Closed	8
Procedures for Further Evacuation if the Incident Expands	8
Procedures for Residence Life Staff	9
Physical head counts after evacuation	9
Accounting for Non-Residents	9
Procedures for Faculty/Instructors	9

Be Prepared for Emergencies	10
Shelter in Place Procedures—What it Means to “Shelter in Place”	10
Basic “Shelter-in-Place” Guidance	10
How You Will Know to “Shelter-in-Place”	10
How to “Shelter–in-Place”	10
Emergency Response	11
Scope	11
Concept	11
The Role of Government	11
Availability of Outside Assistance	12
Administrative Structure	12
Implementation	12
State of Emergency and Authority to Declare	12
Advisory Committee on Campus Security	12
Weapons on Campus	12
Notification to the University Community about an Immediate Threat	13
Telephone Contact System	13
Department Planning	13
Department Actions	13
University Telecommunications System	13
E-mail	13
Incident Reporting	14
Sex Offender Registration	18
NYS Division of Criminal Justice - Office of Sex Offender Management Sex Offender Registry	18
Timely Warnings	19
Authorization	19
Delivery Methods	20
Signing Up for NyackAlert	20
Testing NyackAlert and Emergency Response	21
Confidential Reporting Procedures	21
Campus Law Enforcement Policy and Campus Safety Department	21
Institutional Crime Reporting Regarding Sexual Violence	22

Policy Statement Addressing Counselors	23
Missing Persons Policy	23
First Two Hours	24
Campus Safety Coordinator (Operations Manager, Department of Facilities)	24
Facilities Coordinator (Director of Facilities)	24
Emergency Operations Plan Coordinator (Director of Auxiliary Services)	24
Student Care Coordinator (VP and Dean of Students)	24
Information Systems Coordinator (Director of Information Technology)	24
Academic Operations Coordinator (Provost)	24
After the First Two Hours	24
Within 24 Hours	24
Educational Programs: Security Awareness Programs and Crime Prevention Programs	24
Alcohol and Other Drug Prevention Programs	25
Counseling Services	25
Annual Disclosure of Crime Statistics	25
Campus Crime Statistics	26
Criminal Offenses	26
On-campus	26
On-campus Student Housing Facilities	26
Public Property	27
Non-campus	27
Hate Crimes	27
On-Campus	27
On-Campus Student Housing Facilities	28
Public Property	29
Non-campus	30
Arrests	32
On-campus	32
On-campus Student Housing Facilities	32
Public Property	32
Non-campus	32
Disciplinary Actions	32
On-campus	32

On-campus Student Housing Facilities	32
Public Property	32
Non-campus	33
VAWA Offenses - Domestic Violence, Dating Violence and Stalking	33
On-campus	33
On-campus Student Housing Facilities	33
Public Property	33
Non-campus	33
Risk Reduction	33
Alcohol and Other Drugs	35
Sanctions	35
Help in Overcoming Alcohol and Other Drug Abuse	36
Coming Forward	36
Reporting	37
Reporting a Student of Concern	37
Reporting an Employee of Concern	37
Sexual Misconduct and Violence Policy	38
Sexual Assault, Dating Violence, Domestic Violence, and Stalking	38
Hostile Environment Harassment	38
Federal and State Policies on Sex Discrimination and Sexual Misconduct	38
Sexual Harassment	38
Reporting Harassment	39
Sexual Assault and Dating Violence	39
Reporting Stalking	39
Alliance University Students' Bill of Rights	40
Sexual Violence Response Policy	41
Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations	41
1. Introduction	41
What is the purpose of the Title IX Grievance Policy?	41
How does the Title IX Grievance Policy impact other campus disciplinary policies?	41
How does the Title IX Grievance Policy impact the handling of complaints?	42
2. The Title IX Grievance Policy	42

Reporting	54
Options for Confidentially Disclosing Sexual Violence Policy:	55
Resources:	56
Protection and Accommodations	57
Respondent and Reporting Individual Rights	58
Bystander Intervention – How to Be an Active Bystander	59
What to Do If You or Your Friend Were Sexually Assaulted	60
A Plain-Language Explanation of Distinctions Between the New York State Penal Law and the Alliance University Disciplinary Processes	60
Student Conduct Process	62
University Disciplinary Jurisdiction	62
Violation of Law and University Discipline	62
Residence Life Professional Staff	62
Student Conduct Committee (SCC)	63
Notification of Misconduct Hearing for Non-Title IX Violations	63
Employee Conduct Process	64
Transcript Notations	64
Sanctions	64
Student Records	66
Appeals	66
Authority of VP and Dean of Students	67
Disciplinary Procedures	67
Options for Confidentially Disclosing Sexual Violence	67
Privileged and Confidential Resources	67
Privacy versus Confidentiality: How Alliance University Will Weigh the Request and Respond:	69
Public Awareness/Advocacy Events:	70
Confidentiality and Non-Retaliation	70
Institutional Crime Reporting	70
Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases	70
Students	70
Employees	72
Hate Crimes	73

Clery Definitions	74
Hate Crimes	75
Other Clery Act Definitions	77
<i>Clery Geography</i>	78
New York State Penal Law Definitions	79
Lack of Consent (S 130.05)	82



**At Alliance University we believe that a safe campus is your right -- and your responsibility. Campus security is a team effort that involves the cooperation of all concerned: students, faculty and staff. Our goal is to foster a stable environment in which security is balanced with freedom of movement on an open campus.**

The Clery Act is a federal law which mandates the reporting of timely, accurate, and complete information about crime and safety both on and off campus to members of the university community. This enables students, faculty, staff, alumni, and visitors to make informed decisions to keep themselves safe and to educate both the campus community and other interested parties about campus policies dealing with campus safety and crime prevention.

The Alliance University Annual Security and Fire Safety Report includes statistics for the previous three years concerning Clery-reported crimes that occurred on campus; in certain non-campus buildings or property owned or controlled by Alliance University; and on public property within, or immediately adjacent to and accessible from campus. This year, the Department of Education requires that this report be sent to all employees and students by October 1, 2022.

The report also includes institutional policies pertaining to campus security, such as policies concerning alcohol and drug use; crime prevention; the reporting of crimes; hate crimes; sexual assault including Title IX; the Violence Against Women Reauthorization Act of 2013 (VAWA); domestic violence; dating violence; stalking; emergency operations plans including evacuation procedures; the annual fire safety report and fire log, the Kerry Rose Fire Sprinkler Notification Act; missing student notification; timely and emergency notifications/warnings and other matters.

## **The Student Right-to-know and Campus Security Act**

The Student Right-to-know and Campus Security Act was signed into law in November of 1990. Title II of the act was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain offenses that occurred on the campus, adjacent areas of the campus and specified campus-controlled property for the previous three calendar years. The purpose of this report is to provide our current and prospective students, faculty and staff with campus safety information including crime statistics and procedures to follow to report a crime. This report also complies with the Violence Against Women Act (VASA) Re-authorization 2013. This policy is available on our website at: <https://www.nyack.edu/site/safety-and-security/>

## **Reporting Locations**

This law requires that campuses report specific criminal activities that occur on campus property and specific areas surrounding the campus as well as a few properties controlled by the campus within the community. Crimes and other hazards occur and exist within the community at large that fall beyond the reporting scope of this report. All students and employees are advised to exercise caution in all areas of the campus community.

**On-Campus:** includes all campus buildings, roadways and walkways.

**On-Campus Student Housing:** includes all residential halls and living spaces.

**Public Property:** includes streets, sidewalks, parking lots or green-space immediately adjacent to and accessible from the campus.

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 Alliance University 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 University, 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 from the office of Auxiliary Services by emailing [auxsvsnyc@nyack.edu](mailto:auxsvsnyc@nyack.edu).

## Security and Access

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. Alliance University encourages an open environment with limited constraints while still ensuring the reasonable protection of all members of the community.

The public can attend cultural and recreational events on campus with access limited to the facilities in which these events are held. To report any violations of this policy or to report suspicious persons, contact:

- Manhattan Campus Safety at (646) 378-6198 or x6198 from an on-campus phone
- Jersey City, “The Bay” Campus Security (845) 222-8812

## Academic/Administrative Areas

Students, faculty and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. All students and employees must obtain an Alliance University ID Card. ID cards must be carried at all times while on University property and presented when requested by University authority. During non-business hours access to the University facilities is by key, if issued.

All maintenance vendors are required to report to the Facilities office and log in. At that time, they are escorted to their work site and monitored at their work site by Campus Safety or Facilities personnel. At the conclusion of their work day on site, the maintenance vendors are required to report back to the Facilities office and log out for the day.

## Residence Hall

The front lobby security desk at The Bay in Jersey City is staffed 24 hours per day, 365 days of the year. Students and Staff are required to scan their university issued ID cards at both the entranceway activation box and the front lobby activation box before gaining entry into the residence hall.

### Visitors:

Visitors must check in with the front security desk upon arrival, sign into the visitor log, and be accompanied by a staff member at all times. Failure to sign in and remain with a staff member may result in disciplinary action by the Professional Residence Life staff.

### Forgotten Student ID:

A temporary access card for each housing assignment is located at the security desk and can be checked out by students to use if they have forgotten their ID in their room. The temporary access card is to be returned to the desk within 30 minutes of use. Failure to return the temporary access card may result in a fine. Students may only check out the temporary access card for their official housing assignment.

### Lost Student ID:

The student account will be fined \$50 per lost ID. Failure to pay fines posted on a student account may affect financial clearance for the following semester. Students are responsible for contacting their financial advisor to settle any fines and make payment.

## Soliciting and Commercial Activity

The advertising, marketing, or merchandising of credit cards to students on the campus of Alliance University is strictly prohibited except as provided in paragraph 3 of this section.

Any individual visitor, licensee, or invitee on said campus found violating this policy shall be banned from the campus for a period of two years and any credit card issuer represented by said visitor, licensee, or invitee shall be banned from the campus for a period of one year. Any student, faculty, or other staff found violating this policy shall receive a warning and be prohibited from any and all future credit card marketing on the campus.

This policy does not apply to any advertising, marketing, or merchandising of credit cards by either the university or an agent of the university to non-students, nor does it prohibit the advertising, marketing, or merchandising of credit cards to students through direct mail, newspapers, or magazines.

No soliciting or commercial activity by outside organizations or individuals is allowed on campus or in Alliance University facilities (including online or network facilities) without specific written authorization from the University. No soliciting or commercial activity by students is permitted on campus or in Alliance University facilities (including online or network facilities) without the prior specific written authorization from the VP and Dean of Students.

## Annual Fire Safety Report

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 Investigation's Uniform Crime Reporting Handbook (UCR). As per Clery Act regulations, this report contains data from the 2019, 2018, and 2017 calendar years. The compliance document is available for review 24-hours a day on the University's website at [www.nyack.edu/site/safety-and-security/](http://www.nyack.edu/site/safety-and-security/).

### Fire Statistics

Fire Statistics 2021	Unintentional Fire	Intentional Fire	Undermined Fire	Number of Deaths	Number of Injured	Value of Property Damage
The Bay-Jersey City, NJ	0	0	0	0	0	0

Student Residence Facility	2019			2020			2021		
	Fire	Injuries	Deaths	Fire	Injuries	Deaths	Fire	Injuries	Deaths
The Bay-Jersey City, NJ							0	0	0

### Kerry Rose Fire Sprinkler Notification Act

The Kerry Rose Fire Sprinkler Notification Act of 2013 (enacted August 25, 2013) requires the University to provide a written fire safety notification to each student living in a university-owned or operated housing facility, both on and off campus. This notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system.

Student Residence Facility	Fire Alarming Performed On-Site	Partial Sprinkler System*	Full Sprinkler System**	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Drills Conducted this Year
The Bay-Jersey City, NJ	Yes		Yes	Yes	Yes	Yes	4

\*Partial Sprinkler System: Sprinklers in Common/Public Areas and Exit Corridors only

\*\*Full Sprinkler System: Sprinklers in Common/Public Areas, Exit Corridors and Individual Rooms

Fire Safety Instructions, Emergency Procedures, as well the Annual Security and Fire Safety Report, can be found online at [www.nyack.edu/site/safety-and-security/](http://www.nyack.edu/site/safety-and-security/). This report is updated annually on October 1. Questions can be directed to the Department of Auxiliary Services at (646) 564-6777 or [auxsvs@nyack.edu](mailto:auxsvs@nyack.edu).

## Fire Safety

A fire may include visible flames or strong odors of burning. The appropriate emergency action is for persons to evacuate the building quickly and safely, call the Fire Department (911) first and notify Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.

### If the Fire Can be Extinguished

- If you are the person who discovered the fire, extinguish it only if you can do so safely and quickly.
- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- Use an appropriate fire extinguisher to control the fire only if you have had fire extinguisher training, the fire is confinable and your personal safety is not placed in jeopardy.
- If the fire is extinguished, call Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.

### If the Fire Cannot be Extinguished

- Confine the fire by closing the doors.
- If the fire alarm has not gone on automatically, pull the nearest fire alarm and call the Fire Department (911).
- Call Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone.
- Alert others.
- Exit the building, assisting anyone who needs help in the evacuation.
- Meet the Fire Department when they arrive.

### For Occupants of the Building

- Close the doors to your immediate area.
- EVACUATE the building via the nearest exit. Assist others in exiting the building.
- DO NOT use elevators.
- Avoid smoke filled areas. See evacuating below.
- If you can't escape, use wet towels or tape to seal the door and any room supply vent.
- If there is no fire below, go to the window and open it. Stay near the open window. Hang a blanket or a towel out the window to let people know that you are there and need help.
- Be calm and wait for someone to rescue you.

### For Persons Evacuating from the Immediate Area

- Feel the door from top to bottom. If it is hot, DO NOT proceed; go back.
- If the door is cool, crouch low and open the door slowly. Close the door quickly if smoke is present so you do not inhale it.
- If no smoke is present, exit the building via the nearest stairwell or exit.
- If you encounter heavy smoke in a stairwell, go back and try another stairwell.

## Residence Hall Procedures

### Electronic Items in Residence Halls

In the interest of fire safety, ONLY the following appliances may be used within designated areas: refrigerators, automatic coffee pots, hot pots, hand vacuums, small sweepers, compact vacuums, electric curlers, curling irons and blow dryers.

NOTE: Among the appliances NOT permitted are halogen lamps, microwave ovens, toasters, toaster ovens, crock pots, irons, rice cookers, waffle irons, heaters, air conditioners, hot plates, electrical grills and extension cords. These items will be confiscated by Residence Life Staff. Please visit

<https://www.nyack.edu/site/additional-information-for-student-residents/>

## Fire Safety in Residence Halls

Each residence hall will hold fire drills on a periodic basis. Evacuation instructions are posted in each residence room and in public areas. Additionally, each floor is equipped with a fire extinguisher.

When a fire alarm is given, the following procedures are to be followed:

- All persons must evacuate the building immediately.
- Doors must be closed (and unlocked) with the room lights turned on.
- Buildings may only be re-entered when permission is granted by an authorized university or fire department official.

To emphasize the seriousness of fire safety, any person (faculty, staff or student) found violating any provision of these regulations will be charged a fine of \$250. Other disciplinary measures and financial restitution may also be required.

Violations of these restrictions will also result in a fine of \$250 and possible suspension or expulsion. These restrictions include, but are not limited to:

- Moving, adjusting or otherwise tampering with any fire safety equipment
- Use or possession of any fireworks
- Use or possession of any candles or incense inside resident rooms. No candles or incense of any kind is permitted in residence halls (only Glade plug-ins are permitted).
- Use or possession of any open flame or flame-producing device
- Use of extension cords (only use of surge protectors is permitted)
- Blocking or restricting passage in a hallway, stairway or doorway (i.e. garbage, shoes, open umbrella, etc.)
- Failure to respond immediately to a fire alarm
- Propping any of the fire doors at any time
- Initiating or reporting a false alarm – The intentional or reckless pulling of a fire alarm is considered a criminal offense. Any student who sets off the fire alarm by neglect will be fined \$250.

## Fire Safety Training/Education

Fire safety and training endeavors are an ongoing effort at Alliance University.

- Resident Life Professional staff and Resident Assistants are provided evacuation and basic fire safety training at the beginning of the year.
- All new students are given mandatory fire safety training in conjunction with other training during the Fall and Spring New Student Orientation Sessions, which are mandatory.
- The Alliance University Annual Security and Fire Safety 2022 Report is made available via email to every employee and student on October 1, 2022 as well as a copy made available on the Safety and Security website at [www.nyack.edu/site/safety-and-security/](http://www.nyack.edu/site/safety-and-security/).
- Faculty/Staff training occurs at the beginning of the year retreat in August before the start of each school year.

## Residence Hall Visits/Safety Inspections

- Residence Hall room inspections are held once per month to ensure that the Health and Fire Safety Regulations of New Jersey are being met (all fire hazards will result in a \$250 fine).
- Items allowed and not allowed (including appliances and electrical items) are included in the 2021-22 Handbook available on the Student Portal.

## Evacuation Procedures

In the event of a life-threatening situation, dial 911 directly. Then notify the Alliance University Campus Security by dialing

- x6198 from a campus phone or (646) 378-6198 from a private or public phone.

Prompt reporting helps improve campus safety.

Manhattan Campus: Instructions regarding when and how to evacuate will be given over the PA system. There are three options during any emergency:

1. Shelter in Place: You will be instructed on how to secure your area to ensure the safety of you and the individuals around you. This may include locking doors, covering vents, etc.
2. In Building Relocation: You will be instructed to move to another location in the building, typically three floors below the emergency floor.
3. The Fire Marshall will give instructions to the Building Supervisors during a building evacuation. On an initial evacuation where you are asked to leave the building, exit the building via the stairwells and cross the street to a safe area.

In an evacuation where you are asked to evacuate the area, the following are the official assembly areas:

- If north or west of the building, the evacuation assembly area is the West Thames Park.
- If south or east of the building, the evacuation assembly area is the Korean Memorial in Battery Park.

1. Evacuate the Building: You will be instructed to evacuate using the below procedures.

Instructions to evacuate if not instigated by an audio alarm will be given via NyackAlert.

## Evacuation Instructions

1. Do not use elevators during a building evacuation. In many cases, the elevators will go immediately to the first floor of the building the moment an alarm sounds and remain there until they are reset. It is dangerous to use any elevator during an emergency evacuation.
2. Assist those with disabilities in exiting the building.
  1. To assist the visually impaired:
    - Announce the type of emergency.
    - Offer your arm for guidance.
    - Tell the person where you are going and obstacles you encounter.
    - When you reach safety, ask if further help is needed.
  2. To assist hearing impaired:
    - Turn lights on/off to gain the person's attention.
    - Indicate directions with gestures or write a note with evacuation instructions.
  3. People using crutches, canes or walkers:
    - Evacuate these individuals as injured persons.
    - Assist and accompany the evacuation site if possible.
    - Use a sturdy chair (or one with wheels) to move the person or help carry the individual.
  4. Wheelchair users:
    - Non-ambulatory persons' needs and preferences vary.
    - Individuals at ground floor locations may exit without help. Others have minimal ability to move and lifting may be dangerous.
    - Some non-ambulatory persons have respiratory complications. Remove them from smoke and vapors immediately.

- Wheelchair users with electrical respirators get priority assistance.
  - Most wheelchairs are too heavy to take down stairs. Consult with the person to determine best carry options.
  - Reunite the person with the chair as soon as it is safe to do so.
3. If you are unable to leave the building due to a physical disability, call Campus Safety to request rescue assistance. Be sure to give name, specific location and any other important information. If possible, signal out or through the window to onsite emergency responders. Try to establish a “buddy” system to have someone ready to assist you.
  4. Check offices, classrooms and restrooms.
  5. Turn equipment off, if possible.
  6. Close doors but do not lock them.
  7. Instructors should assist students (see further instructions for Faculty/Instructors at the end of section).
  8. Leave by the nearest marked exit and alert others to do the same.
  9. Once outside, proceed to the predetermined assembly area that should be at least 500 feet away from the affected building and await instructions. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Evacuation sites for each building are listed below.
  10. Do not reenter the building until emergency personnel give the “all clear” signal.

### **Procedures for Building/Area Safety Coordinator**

Once a building has been evacuated to the area designated for that unit, the Building/Area Safety Coordinator will organize faculty/staff into smaller groups according to department/office. Should the Building/Area Safety Coordinator not be present at the time of the evacuation, the next staff in line (alternate) should begin organizing faculty/staff into smaller units at the evacuation site.

### **Physical Head counts after Evacuation**

1. Updates to the Building Occupant List are made as needed by the Building/Area Safety Coordinator in consultation with Human Resources if necessary. The coordinator must have an accurate count at all times of how many individuals need to be accounted for in the event of an evacuation including student workers and any non-regular workers in the building.
2. In the event of an evacuation, the Building/Area Safety Coordinator should bring the Building Occupant List for their facility with them in order to ensure an accurate count of who is present and who is absent. The names and last known locations of persons not accounted for must be recorded and communicated to the Plan Executive and Director (Chief Financial Office). The names of last known locations will then be submitted to the Emergency Operations Center for emergency rescue if necessary.
3. If an evacuation of a facility is necessary while class is in session, a list of all missing persons will be delivered to the Registrar’s Office for printout of the faculty member’s teaching schedule.
4. Non-regular employees such as tradesmen from Facilities, students and visitors frequent each facility. Each office/department in the facility should be sure to make note of these.

### **Confirmation that Each Room has been Completely Evacuated and the Doors Closed**

If a facility is evacuated due to a life-threatening emergency, it may be difficult for staff members to confirm that each room has been completely evacuated and the doors closed without placing themselves in danger. Once a facility has been evacuated, the



appropriate emergency personnel should be responsible for checking the building to confirm that all spaces in the building have been completely evacuated.

### **Procedures for Further Evacuation if the Incident Expands**

If one or more facilities have been evacuated, the incident expands or forces further evacuation, the following locations may be utilized if unaffected by the conditions forcing evacuation: In an evacuation where you are asked to evacuate the area, the following are the official assembly areas:

#### **Manhattan**

- If north or west of the building, the evacuation assembly area is the West Thames Park.
- If south or east of the building, the evacuation assembly area is the Korean Memorial in Battery Park.

NyackAlert will be used to provide instructions

#### **Jersey City**

- City Hall Park, 280 Grove St., Jersey City, NJ

NyackAlert will be used to provide instructions

### **Procedures for Residence Life Staff**

Once “The Bay” residential facility and office workers have evacuated to the area designated by authorities, the Residence Life staff members, students, and office workers will await further instructions by the building Security or authorities in charge. Residence Directors may organize students into smaller groups by residence hall floors.

### **Physical head counts after evacuation**

1. Updates to the housing rosters are made as needed by the Student Care Coordinator (VP and Dean of Students) in the Student Development Office. Whenever housing populations increase or decrease, the changes are communicated to the staff member(s) responsible for that particular area. Staff members will have an accurate count at all times of how many individuals need to be accounted for in the event of an evacuation. A copy will be kept in the Campus Safety Office.
2. Should an evacuation in one or more housing areas become necessary, the staff members responsible for a particular area of housing are responsible for counting all persons to determine how many persons are missing. Should a staff member responsible for a particular area not be present to count his/her respective area, then that staff member's direct supervisor must assume the responsibility. In the event that the direct supervisor is not present, then the supervisor's supervisor assumes responsibility.
3. The Student Care Coordinator (VP and Dean of Students) distributes housing rosters to all Housing and Residence Life staff members at the beginning of the year. When the Student Care Coordinator (VP and Dean of Students) communicates changes to the roster, Housing and Residence Life staff members are responsible for making the appropriate changes on the roster for the area he/she has oversight. Off campus visitors spending the night are required to register with the Residence Life staff.
4. In the event of an evacuation, Housing and/or Residence Life staff members should bring the roster for their area with them in order to ensure an accurate count of who is present and who is absent. The names and last known locations of persons not accounted for must be recorded and communicated to the Student Care Coordinator (VP and Dean of Students). The names of last known locations will then be submitted to the EOC for emergency rescue if necessary.
5. If an evacuation of a housing location is necessary while class is in session, a list of all missing persons will be delivered to the Registrar's Office for printout of the students' class schedules. The Student Care Coordinator (VP and Dean of Students) and the front office staff in Student Development can also assist in accessing student's academic schedules using Campus Management.

### **Accounting for Non-Residents**

Each housing location is frequented by non-residents such as custodians and tradesmen from Facilities and students visiting from other housing locations or from off campus. Off campus visitors spending the night are required to register with the Residence Life staff.

#### Confirmation that each room has been completely evacuated and the doors closed

If a housing location is evacuated due to a life-threatening emergency, it may be difficult for staff members to confirm that each room has been completely evacuated and the doors closed without placing themselves in danger. Once a housing location has been evacuated, the appropriate emergency personnel should be responsible for checking the building to confirm that all the living spaces in the building have been completely evacuated.

#### Confirmation that non-living spaces have been evacuated

Non-living spaces include lounges, laundry rooms, public bathrooms and community bathrooms on a residence hall floor, residence hall kitchens, conference rooms, computer labs, prayer chapels, storage rooms and custodial closets. Once a housing location has been evacuated, the appropriate emergency personnel should be responsible for checking the building to confirm that all non-living spaces of the building have been completely evacuated.

### **Procedures for Faculty/Instructors**

The instructor is an authoritative figure for the student, either consciously or subconsciously, and can influence how the student responds in an emergency. Calm, collected and clear directions by the instructor will have a calming effect on the students. Instructors should:

1. Provide his or her class with general information relating to emergency procedures during the first week of class.
2. Know how to report an emergency from the classroom being used.
3. Assure that persons with disabilities have the information they need. The instructor should be familiar with the disabled student's plan and be able to direct visitors with disabilities.
4. Take responsible charge of the classroom and follow emergency procedures for all building alarms and emergencies.
5. Know evacuation routes as well as the predetermined evacuation assembly area.
6. Assist the Building/Area Safety Coordinator with accounting for students. With a large class, accounting for all students can be difficult. Some suggestions: use the class roster, do a head count and have students see if the students seated next to them are at the assembly point.
7. Suggested materials to have in class: roster and important telephone numbers.

### **Be Prepared for Emergencies**

Decide upon a plan of action in advance and remember that prevention is the key to your personal safety. It is the responsibility of each Building/Area Safety Coordinator to review emergency action plans with employees on a regular basis (either as a group or individually).

If you are temporarily or permanently disabled, please inform your department head. The department head will help determine an action plan based upon your specific needs.

### **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, 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 University 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 Campus Safety, Residence Life members, other University employees, Local Police Department or New York City PD, or other authorities utilizing the University 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. Go to an interior room that's above ground level and has no windows. In the case of a chemical threat, an aboveground location is preferable because some chemicals are heavier than air and may seep into basements even if the windows are closed.
3. Seal all gaps around the door, around windows, and any vents into the room.
4. Keep listening to your radio or television until you are given an "all clear" or told to evacuate.
5. If you must go out or find that harmful vapors enter your shelter, covering your mouth with a damp cloth may provide minimal breathing protection.

## **Emergency Response**

Alliance University has developed an Emergency Operations Plan, the purpose of which is to, in the event of a major emergency or disaster:

- Save the maximum number of lives, minimize injuries and protect property.
- Provide direction and resources for Emergency Response Coordinators.
- Provide information and resources for the campus community.
- Provide for the timely receipt and rapid dissemination of warning information.
- Ensure that Alliance University remains viable.
- Preserve fiscal activities essential for the survival and recovery from the emergency or disaster.

Alliance University shall conduct continuous planning to minimize the risk of personal injury and property loss from emergencies, shall cooperate with governmental agencies charged with disaster control and shall take necessary steps to assure continuity of business operations and restoration of normal activities as soon as possible following an emergency or a disaster.

The following are the objectives of a coordinated response to campus emergencies:

- More rapid response.
- More systematic and routine approach.
- Venue for promptly identifying and supporting University decision makers.
- System for evaluating all emergencies to improve our responses.
- Reduced exposure to vicarious liability.
- Improved management of public information.

## Scope

This Emergency Operations Plan for Alliance University assigns responsibilities for the development, implementation and maintenance of the plan. The procedures apply to all personnel, facilities and properties owned and operated by Alliance University and include those peripheral areas adjoining Alliance University.

This plan is the basic framework for emergency preparedness. It is not intended to cover every department's individual needs. Each department will supplement the plan to suit their own needs while remaining in compliance with the plan.

All emergencies and disaster situations share certain commonalities. This plan is designed to operate in any type of emergency or disaster whether natural, technological or civil. Specific actions are further described in the Concept of Operations and will be outlined in functional annexes developed for each operational department.

All requests for procedural changes, suggestions or recommendations should be submitted in writing to the Chief Financial Officer

## Concept

### The Role of Government

Local, State, County and Federal Government have the main responsibility for emergency management activities that impact lives and property. Jersey City, New Jersey, and City of New York will take a comprehensive role in emergency management to protect life and property from the effects of disasters.

When the emergency exceeds their capability, Jersey City, NJ or City of New York will request assistance from other governmental agencies, including Hudson County, the State of New York and the Federal Government. Private sector and voluntary organizations may be requested to provide aid and assistance.

The Alliance University Campus Safety Department maintains a liaison with the Jersey City Police Department, (201) 547-5477, and with New York 1<sup>st</sup> Precinct, (212) 334-0611.

### Availability of Outside Assistance

IMPORTANT: These governmental and private resources may not be available immediately following a significant emergency or disaster. Other local towns and businesses may simultaneously be vying for governmental resources. Also, communication and traffic problems may exist that will cause significant delay.

### Administrative Structure

The President has designated the Chief Financial Officer to function as the Plan Executive and Director. If the President is on campus and communications or logistics allow for it, he will participate in all significant decisions.

The Alliance University Emergency Operations Plan is structured around an EOC and Emergency Response Coordinators. Alliance University will provide and manage its own resources when responding to an emergency or disaster. This will be conducted from the EOC during significant emergencies or disasters.

Departments seeking additional resources during an emergency or disaster must work through or receive authorization from the EOC. Typically, the Plan Executive and Director will authorize the request.

During an emergency, those daily functions that do not contribute to the emergency operation may be suspended. The resources usually devoted to routine functions will be redirected to the emergency operations.

## Implementation

To report an emergency, faculty, staff and students should first dial "911" in the event of a life-threatening situation. After this call is made, contact Campus Safety by dialing x6198 from a campus phone or (646) 378-6198 from a private or public phone. The Campus Safety Department will make notifications to all appropriate persons on campus and will notify other emergency and resources units. The Chief Financial Officer or his designee will determine whether or not to initiate the Emergency

Operations Plan and convene the Emergency Response Coordinators. He will also make a decision whether or not to implement the NyackAlert Emergency Notification System.

### **State of Emergency and Authority to Declare**

Whenever an emergency affecting the Alliance University community reaches proportions that cannot be handled by routine measures a State of Emergency may need to be declared. The authority to declare a Campus State of Emergency rests with the President or his designee. The official declaration of an emergency shall authorize the appropriate procedures necessary to respond to the incident and safeguard persons and property and the contingencies outlined in this plan will be implemented.

When a State of Emergency is declared, it may become necessary to restrict access to specific areas on campus to authorized individuals. Only those authorized individuals who have been assigned emergency or resource duties will be allowed to enter the area or building affected by the incident.

In all emergencies, the Campus Safety Department has primary responsibility for immediate response and shall cooperate and coordinate with the University administration as well as local government response units.

### **Advisory Committee on Campus Security**

As required by Article 129-A of the New York State Education Law, Alliance University maintains an Advisory Committee on Campus Security. This committee meets during the year to review, and recommend improvements to, Alliance University policies and procedures relating to a variety of security and personal safety issues. The Advisory Committee on Campus Safety will provide all campus crime statistics as reported to the United States Department of Education upon request.

### **Weapons on Campus**

Firearms and dangerous weapons/instruments of any type are not permitted on campus. The use, possession or sale of firearms or other dangerous weapons by anyone is a violation of state and federal law as well as a violation of Student Academic, Community and Lifestyle Expectations.

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

The Alliance University warning system consists of telephone, email, voicemail, NyackAlert and fire alarm systems. It is designed to send emergency information quickly throughout the campus.

### **Telephone Contact System**

The Emergency Operations Plan Coordinator (Director of Auxiliary Services) is responsible for updating and publishing the Telephone Contact System. This contact system is used during catastrophic emergencies. The Plan Executive and Director (Chief Financial Officer) is the first contact who will then initiate the contact system by calling strategic departments. The contacts "branch out" from that point. The objective of the telephone contact system is to accurately notify every campus department of a current or impending emergency.

School Closing Notification Tree: The Academic Operations Coordinator (Provost) and the Plan Executive and Director (Chief Financial Officer) are the decision makers. Closings due to weather will also be reported as follows:

- On campus emergency lines:
  - Manhattan and Jersey City Campuses: x6787
  - [www.nyack.edu](http://www.nyack.edu)
- Alliance University Emergency Closing Notification Facebook Group
- Alliance University's Facebook page

Catastrophic Emergency Notification Tree: Used during emergencies which affect the entire campus or require a campus-wide response.

### **Department Planning**

- Know where your contact lists are. Be sure to have copies at home.

- Know your department's position on the contact lists.
- Each department has the responsibility to develop its own internal notification system to supplement the initial telephone contact system.

## Department Actions

- Relay the emergency information to members of your department and to the departments you are responsible for on the list.
- Accurately record any emergency notification.
- Obey the emergency directive (i.e. evacuate the building, take shelter, etc.).

Closings due to weather will be reported on:

- On campus emergency line:
  - Manhattan Campus: x6787
  - [www.nyack.edu](http://www.nyack.edu)
- Alliance University Emergency Closing Notification Facebook Group
- Alliance University's Facebook page

In the case of a more widespread emergency, information is available on Manhattan South's radio station 85.4 FM.

## University Telecommunications System

Depending upon the nature and severity of the emergency, the university will implement the university telephone system in one of the following ways:

- The School and Emergency Closing hotline will have an updated message that can be accessed by dialing:
  - Manhattan and Jersey City Campuses: x6787

## E-mail

When possible, the Plan Executive and Director (Chief Financial Officer) or Campus Safety Coordinator (Director of Facilities) may augment the telephone contact system with urgent email messages to key departments.

## Incident Reporting

It is Alliance University's policy that reports of all incidents of actual or attempted criminal behavior, violence, vandalism, threatening or suspicious circumstances should be reported to Residence Life Staff, the VP and Dean of Students and the Director of Facilities. All departments under Student Development (Career Services, Counseling Services, Health Services, Student Activities, and Residence Life) are mandated to follow the same protocol in reporting any incidents or concerns in writing and submitted to the appropriate offices. Training in regards to the proper procedure of filing of an incident report is offered to all paraprofessional staff throughout the academic year as well as during orientation. The procedures for reporting a crime are also part of this training. The University provides a yearly mandatory training.

## Internal Reporting Agencies

Campus Safety	(646) 378-6198
Counseling Services	(646) 564-6790
Director of Auxiliary Services	(646) 378-6185
Director of Facilities	(646) 564-6748
VP and Dean of Students	(646) 378-6181
Residence Life Professional Staff On-Duty Phone	(845) 213-9145
Residence Hall Directors:	(845) 213-9145

## Internal Reporting Agencies

Campus Safety	(646) 378-6198
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Counseling Services	(646) 564-6790
VP and Dean of Students	(646) 378-6194
Auxiliary Services Director	(646) 378-6185

## External Reporting Agencies (Jersey City Residence Hall)

### Police

New Jersey Police Department	(911)
Jersey City Police Department 207 7th St 2nd floor, Jersey City, NJ 07302	(201) 547-5477
Police Department Investigation Division 207 7th St, Jersey City, NJ 07302	(201) 547-5379
Hudson County Sheriff's Office 257 Cornelison Ave, Jersey City, NJ 07302	(201) 915-1300

### Ambulance

Jersey City Medical Center EMS 415 Montgomery St, Jersey City, NJ 07302	(201) 547-6126
Amcare Ambulance 34 Division St, Jersey City, NJ 07302	(201) 656-0444

### Fire

New Jersey Fire Department	(911)
Fire Department of Jersey City 160 Grand St, Jersey City, NJ 07302	(201) 547-4247
Jersey City Fire Director 465 Marin Blvd, Jersey City, NJ 07302	(201) 547-4255

### Hospitals

Jersey City Medical Center Foundation 265 Grand St, Jersey City, NJ 07302	(201) 377-6057
Jersey City Medical Center 355 Grand St, Jersey City, NJ 07302	(201) 915-2000
Riverside Medical Group 46 Essex St, Jersey City, NJ 07302	(201) 360-2228
PromptMD Urgent Care Center Jersey City 201 Marin Blvd Ste. 3-B, Jersey City, NJ 07302	(201) 413-5000
CityMD Grove Street Urgent Care - New Jersey 340 Grove St, Jersey City, NJ 07302	(201) 354-1957
Hudson SPEAKS Against Sexual Violence (Designated rape crisis center for Hudson County) Christ Hospital, 179 Palisade Ave., Jersey City; 24-hour hotline	(201) 795-5757

Alliance Community Healthcare, INC. 115 Christopher Columbus Dr. Suites 100 & 101, Jersey City, NJ 07302	(201) 451-6300
Jersey City Medical Center 355 Grand Street, Jersey City, NJ 07302	(201) 915-2000
S.A.V.A. (Sexual Assault Victim Assistance) Division of the Hudson County Prosecutor's Office Available 24 hours including Sundays and holidays	(201) 915-1234
WomenRising 270 Fairmount Avenue Jersey City, New Jersey 07306 Domestic Violence 24/7 Helpline	(201) 333-5700
Love is Respect Offers a 24-hour hotline Text: loveis to 22522   or visit loveisrespect.org to chat online.	(866) 331-9474
New Jersey Coalition against Sexual Assault (NJCASA) Provides a 24-hour hotline	(800) 601-7200
Rape, Abuse and Incest National Network 24-hour hotline Offers online chatting with a trained RAINN support specialist, anytime	(800) 656-HOPE
Manavi 24-hour hotline	(732) 435-1414
State of New Jersey, Department of Children and Families Services for Women Domestic Violence Hotline that provides a 24-hour, seven-day-a-week confidential hotline	(800) 572-SAFE (7233)

## External Reporting Agencies

### Police

1 <sup>st</sup> Precinct 16 Ericsson Place, New York, NY, 10013 Captain Thomas P. Smith	(911) (212) 334-0611
Reporting Sexual Assaults: NYPD Special Victims Unit	(646) 610-7272
Child Abuse	(800) 342-3720
Ambulance	(911)

### Fire

Fire Department of New York (FDNY) Headquarters of FDNY	(911) (718) 999-2000
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### Hospitals

New York Presbyterian Hospital in Lower Manhattan 170 William Street, New York, NY 10038	(212) 312-5000
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Mount Sinai Beth Israel Medical Center 281 1st Avenue, New York, NY 10003	(212) 420-2000 (212) 857-9980
Mount Sinai Sexual Assault Violence Intervention Program One Gustave Levy Place 98 <sup>th</sup> Street/Madison Avenue	(212) 423-2140
New York Presbyterian Hospital (Weill Cornell Medical Center) 525 East 68 <sup>th</sup> Street	(212) 746-5454
St. Vincent's Hospital Rape Crisis Program 41-51 East 11 <sup>th</sup> Street	(212) 604-8068
NYU Medical Center-Tisch Hospital 550 First Avenue, New York, NY 10016 (alt. address 600 First Ave. #5)	(212) 263-5800
<b>New York City Department of Health</b>	(866) 692-3641
<b>Poison (Control Center)</b>	(800) 222-1222
NYC Domestic Violence Hotline Safe Horizon	(800) 621-4673
<b>Christian Counseling Services</b>	
Breakthru Counseling Care (NYC)	(212) 481-3740
Full Circle Health (Bronx)	(718) 518-7600
Well Springs Counseling Center, LLC (Fair Lawn, NJ)	(201) 956-6363
Pastoral Counseling Center (Flushing, Queens)	(718) 463-4613
Redeemer Presbyterian Counseling Services (NYC)	(212) 370-0475
Dollar, Mark, MD (Psychiatrist - NYC)	(917) 991-6635
Feld, Jay, D.Min., LMFT (Elmhurst, Queens)	(917) 572-4068
Lin Rathe, Elissa, Ph.D. (NYC & Yonkers)	(917) 288-7271
Lobosco-Benner, Susan, LCSW (NYC & Westchester)	(914) 834-9015
Peale, Blanton (NYC)	(212) 725-7850
Roberts, Kami, LCSW (Brooklyn)	(718) 421-4400 <a href="http://www.kindcounseling.com">www.kindcounseling.com</a>
Watson, Dan, LCSW (Hicksville, NY)	(516) 822-6111
<b>Substance Abuse / Addictions:</b>	
Overcomers Outreach <a href="http://www.overcomersoutreach.org">www.overcomersoutreach.org</a>	(800) 310-3001
Celebrate Recovery <a href="https://www.celebraterecovery.com/">https://www.celebraterecovery.com/</a>	
<b>Sexual Abuse:</b>	
Bellevue Hospital Rape Crisis Program	(212) 562-3755

462 1<sup>st</sup> Ave., New York, NY 10016

Beth Israel Rape Crisis & Domestic Violence Intervention (212) 420-4516  
317 E. 17<sup>th</sup> St., New York, NY 10003

Mount Sinai Sexual Assault and Violence Intervention (212) 423-2140  
1 Gustave Levy Place, Box 1670, New York, NY 10029

NYC Alliance Against Sexual Assault (212) 229-0345  
32 Broadway, Suite 1101, New York, NY 10004

Safe Horizon Rape & Sexual Assault Hotline (212) 227-3000 or  
(800) 621-4673

**American Red Cross** (877) 733-2767  
[www.nyredcross.org](http://www.nyredcross.org)  
520 West 49th Street, New York, NY 10019

**New York State Emergency Management Office** (518) 292-2200  
1220 Washington Avenue  
Building 22, Suite 101, Albany, NY 12226-2251  
<http://www.dhSES.ny.gov>

**NYC Department of Buildings** (212) 566-5000  
280 Broadway, 7th floor, New York, NY 10007

**New York State Department of Insurance**  
Disaster Hotline (800) 339-1759  
[https://www.dfs.ny.gov/consumers/disaster\\_flood](https://www.dfs.ny.gov/consumers/disaster_flood)

**New York State Coalition Against Sexual Assault (NYSCASA)**  
30 North Greenbush Road, Suite 3, Troy, NY 12180 (518) 482-4222

**New York State Office for the Prevention of Domestic Violence**  
80 S. Swan St, 11<sup>th</sup> Floor #1157, Albany, NY 12210 (518) 457-5800

## 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, Alliance University 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 registrable 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 registrable offenses on or after the effective date of SORA must register with the Division. Additionally, any person convicted of a registrable 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://www.criminaljustice.ny.gov/nsor/>. 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 online visit the public website:

[http://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp). 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.

## Timely Warnings

Alliance University is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts).

Timely Warnings		
	EMERGENCY NOTIFICATION	TIMELY WARNING
Scope	Any significant emergency or dangerous situation	Certain crimes as defined by Clery
Why	Event that is currently occurring on or imminently threatening the campus	Crimes that have already occurred (but may be continuing) and which represent an ongoing threat
When	Immediately upon confirmation of situation	As soon as the pertinent information is available

## Authorization

The use of the NyackAlert System is authorized when an impending or occurring hazard on or off campus may impact the safety and security of the Alliance University community and timely notification is necessary for the community to take protective action. In the event that a situation arises, that, in the judgment of the Plan Executive and Director (Chief Financial Officer), the Campus Safety Coordinator (Director of Facilities), the VP and Dean of Students, or the Operations Plan Coordinator (Director of Auxiliary Services), constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. Depending on the particular circumstances of the crimes, especially in all situations that could pose an immediate threat to the community and individuals, Alliance University will use one or any combination of the following methods to issue a timely warning:

- Alliance University E-mail system
- NyackAlert Emergency Notification System,
- Post a notice on the campus-wide Safety and Security Web Page at [www.nyack.edu/site/safety-and-security/](http://www.nyack.edu/site/safety-and-security/), providing the university with more immediate notification, or
- Transmit on the digital signage displays at the appropriate campus.
- Postings and notifications in buildings
- Alliance University Emergency Phone lines
- Alliance University Emergency Closing Notification Facebook Group

In order to comply with the recent guidance concerning “Timely Warnings” required under the Clery Act, the NyackAlert system will also be used to inform the Alliance University community of serious crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, etc.) that have occurred on campus, in “contiguous areas” as defined by the

Clery Act, or in other areas frequented by Alliance University affiliated persons within a one-half mile distance of the campus (or farther distance on a case-by-case basis). In these cases, the notification process begins when a crime is reported directly to Alliance University Campus Safety or Alliance University Campus Safety is informed of the crime by a law enforcement agency. A copy of NyackAlert messages sent in compliance with the “Timely Warnings” requirement is maintained in the Alliance University Campus Safety files.

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

## Delivery Methods

Delivery methods are the modes of communication through which the NyackAlert System broadcasts messages to the notification groups. The currently activated delivery methods include text messaging and email. The delivery method(s) used will vary depending on the nature of the hazard and the purpose of the messaging. Following are samples of Timely warnings and possible delivery methods:

- Imminent or continuing life safety hazard to the Alliance University campus (such as a severe storm, active shooter or hostile intruder, HAZMAT release, suspicious device, etc.). - **All methods**
- Serious crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, etc.) that have occurred on campus or in areas contiguous to the campus as defined by the Clery Act. - **All methods**
- Crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, kidnapping, etc.) involving Alliance University affiliated persons that have occurred off campus in areas beyond the “contiguous areas” but frequented by Alliance University personnel (within one-half mile of the campus or farther distances on a case-by-case basis). - **All methods**
- Crimes involving a threat to life (such as robberies, sexual assaults, aggravated assaults, kidnapping, etc.) that did not directly involve Alliance University affiliated persons, but could reasonably pose a threat to Alliance University personnel that have occurred off campus in areas beyond the “contiguous areas” but frequented by Alliance University personnel (within one-half mile of the campus or further distances on a case-by-case basis). - **All methods**
- Other crimes for which notification is required by the Clery Act (such as a continuing series of property crimes like burglaries, car thefts, etc.) that occur on campus or in the “contiguous areas.” - **Email**

## Signing Up for NyackAlert

- Option 1: How to sign up for e2campus (NyackAlert) via the web with a cell phone number:
  1. Go to <https://e2campus.net/my/nyack/signup.htm>.
  2. Enter your information into the registration form
    - a. Username (does not have to match the Alliance University username)
    - b. First Name
    - c. Last Name
    - d. Password (does not have to match the Alliance University password)
    - e. Verify Password
    - f. Mobile Phone (TXT) – Cell phone number to receive text messages
    - g. Carrier (Phone Service Provider)
    - h. Optional Groups
      - i. Manhattan Campus Emergency Alerts (for Manhattan Graduate and Undergraduate Campuses)
    - i. Opt-Out Date (select expected graduation date)
  3. Agree to the Terms of Service
  4. Click Create Account
  5. A validation text with a 4-digit number will be sent to the mobile phone number to ensure that the e2campus system is able to send text to the phone. Enter the 4-digit number where it says “Validation Code” and click “Validate”
  6. Registration of mobile phone is complete.
- Option 1.A: How to add a personal e-mail to your account:

1. Enter your personal e-mail where it says "Email Address." Click "Add Email."
  2. A validation e-mail will be sent to your e-mail address. To complete validation, simply reply to the e-mail.
  3. Registration of e-mail is complete.
- Option 2: How to sign up for e2campus (NyackAlert) via the web with e-mail ONLY:
    1. Go to <https://e2campus.net/my/nyack/signup.htm>.
    2. Click the link on the bottom of the page that says "Click Here to sign up using EMAIL only"
    3. Follow steps 2a-2e and 2h of Option #1.
    4. Enter your personal e-mail (not your Alliance University e-mail).
    5. Follow steps 3-4 of Option #1.
    6. A validation e-mail will be sent to your e-mail address. To complete validation, simply reply to the e-mail.
    7. Registration of e-mail is complete.
  - Option 3: How to sign up for e2camps (NyackAlert) via text messaging:
    1. Text the correct keyword to 79516
      - Manhattan Graduate and Undergraduate Campus keyword: NyackManhattan
    2. A confirmation text will be sent to the cell phone. Reply "yes"
    3. Cell phone is complete.

Note: When signing up for NyackAlert via text messaging, Last Name, First Name, and e-mail address are not entered. Individuals will have to add those via the web.

## Testing NyackAlert and Emergency Response

Alliance University conducts tests each semester of the NyackAlert system. These tests may be announced or unannounced. The emergency response and evacuation procedures are publicized in conjunction with the test, and documentation for each test, including a description of the exercise, the date, time, and whether it was announced or unannounced, can be found in Auxiliary services.

## Confidential Reporting Procedures

Confidentiality of complaints and parties will be preserved to the greatest extent possible, understanding that the University may have an obligation to take some action even if the reporting individual is reluctant to proceed. Parties and witnesses to a complaint are also expected to maintain confidentiality of the matter, understanding that they will often not have all the facts and that they could impair the investigation by divulging information to persons outside of the investigatory process.

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Campus Safety Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Information regarding confidentiality, privacy and non-retaliation relating to sexual violence incidents can be found in [Options for Confidentially Disclosing Sexual Violence](#) section.

## Campus Law Enforcement Policy and Campus Safety Department

Alliance University utilizes Campus Safety Officers provided by SSC, Inc. as its law enforcement authority. SSC is committed to meeting the unique security needs of learning institutions, educators and administrators. An educational institution's security posture is a critical resource that supports education, research, administrative services, and campus life. SSC security experts utilize best practices and emerging trends in educational institution security to assist Alliance University in providing an atmosphere that is both welcoming and secure.

Campus Safety Department, which is managed by the Alliance University Facilities Department, conducts security checks of campus facilities, including residence halls. A Campus Safety Officer is on duty 24 hours a day, 365 days a year. Campus Safety Officers do not possess arrest power, but have the authority to execute emergency protocol by dialing 911. In non-emergency incidents, Campus Safety Officers report student-related instances to the VP and Dean of Students and faculty/staff instances to the Director of Facilities. Criminal incidents are referred to the local police who have jurisdiction on campus. Critical/Non-Critical Incident Reports are completed for each incident on campus. Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Alliance University. Security Officers have the authority to issue parking tickets.

Information on safety and security is provided to students and employees through the university website, brochures, newsletters, the student newspaper and other means as appropriate. The Facilities Department is responsible for fire safety, key and lock control. They inspect campus facilities and promptly make repairs in areas that may affect safety and security.

Alliance University has a Residential Student facility located in Jersey City, New Jersey and a campus located in the city of New York, New York. Alliance University maintains a close working relationship with the Jersey City Police Department and the New York City Police Department. Meetings are held between the leaders of these agencies on both a formal and informal basis. The Campus Safety Department also works with the New York State Police when necessary. Campus Safety Officers and the local police departments communicate regularly on the scene of incidents that occur in and around the campus area. Campus Safety Officers work closely with the investigative staff of the local police departments when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary.

Alliance University has written Memorandums of Understanding with the following:

**Jersey City:**

Jersey City Police Department  
(201) 547-5477  
207 7<sup>th</sup> St. 2<sup>nd</sup> Floor  
Jersey City, NJ 07301

**Manhattan:**

New York City Police Department  
One Police Plaza  
Room 1406  
New York, NY 10038

Alliance University encourages the accurate and prompt reporting of all crimes to campus security and the appropriate law enforcement agency. The University cooperates fully with all law enforcement agencies. All crime victims and witnesses are strongly encouraged to immediately report crime to Campus Safety and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. A crime log is kept on file at the Facilities Department; for more information, please contact the Facilities Department at 646-564-6722.

## **Institutional Crime Reporting Regarding Sexual Violence**

Reports of crimes occurring in Clery geographic locations will be included in the Alliance University Annual Security and Fire Safety Report in an anonymized manner that neither identifies the specifics of the crime nor the identity of the victim/survivor. Reports are made to the university through an employee with the authority to address complaints (Campus Security Authorities), including:

- VP of Human Resources/Title IX Coordinator, Floor 21, Room 2122, x6121 or (646) 378-6121
- VP and Dean of Students, Floor 20, Room 2033, x6194 or (646) 378-6194
- Academic Deans
- Residence Life Professional Staff On-Duty Phone, (845) 213-9145
- Athletic Director/Coach, Jersey City Residence Hall, x6760 or (646) 564-6760
- Campus Safety, (646) 378-6198 or ext. 6198

- Director of Auxiliary Services, Floor 17, Room 1724, x6185 or (646) 378-6185

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Alliance University will not share information about a report of sexual violence with parents without the permission of the victim/survivor.

To file a criminal complaint with local law enforcement:

- Jersey City Police Department, (201) 547-7207, 7th St 2nd floor, Jersey City, NJ 07302, or if **emergency**, dial **911**.
- New Jersey S.A.V.A. (Sexual Assault Victim Assistance) (201) 915-1234
- NYC: NYPD Special Victims Division (646) 610-7272

When the accused is an employee, a victim/survivor may also report the incident to Alliance University Human Resources or may request that one of the above-referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with the applicable employee handbook. When the accused is an employee of an affiliated entity or vendor of the university, university officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a *persona non grata* letter, subject to legal requirements and university policy.

- Human Resources, Floor 21, Room 2122, (646) 378-6121, karen.davie@nyack.edu.

Alliance University is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning (see [Timely Warnings](#)).

## Policy Statement Addressing Counselors

All students are informed upon Intake by the Director of Counseling Services that confidentiality is kept to the fullest extent allowable by law with three exceptions:

- Suicidal Attempt
- Homicide
- Abuse of a minor (physical, sexual or emotional)

At the end of the Intake process before the student is assigned to a counselor they are required to sign the Confidentiality Disclosure Statement form. Once the student is assigned to a counselor, the counselor will repeat the procedure.

Should a crime occur, the student is informed of their rights and advised and encouraged when necessary to

- go to the hospital for medical treatment;
- to take advantage of the Coming Forward Policy or Amnesty Policy, when applicable, on a voluntary basis;
- to report the crime or incident to the appropriate individual at the University on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;
- and report the crime or incident to local authorities.

## Missing Persons Policy

This Notification Policy and Plan shall apply whenever a university official designated in this Policy receives a report that a student who resides in university-provided housing facilities has been missing for longer than 24 hours. (Note: This Notification Policy and Plan has been adopted in compliance with the Higher Education Opportunity Act of 2008 and The Clery Act.)



Each Alliance University student who resides in on-campus housing must identify a contact individual (emergency contact) who will be contacted no later than 24 hours from the time the university has confirmed the student missing. The student's designated emergency contact will be kept confidential and will be retained by Residence Life.

Students under the age of 18 and who are not emancipated must designate an emergency contact. In the event that a student under the age of 18 is determined to be missing, the student's custodial parent or legal guardian will be notified no later than 24 hours after the student is determined to be missing.

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Department of Residence Life.

The Department of Residence Life will notify Campus Safety and the Student Care Coordinator (VP and Dean of Students).

The Student Care Coordinator (VP and Dean of Students) will notify the Plan Executive and Director (Chief Financial Officer).

Within the first two hours of receiving the initial report:

#### ***Campus Safety Coordinator (Operations Manager, Department of Facilities)***

- Conduct a thorough search of the campus for the student.
- Search for the student's vehicle on campus.

#### ***Facilities Coordinator (Director of Facilities)***

- Check to see if the student has a university registered vehicle.

#### ***Emergency Operations Plan Coordinator (Director of Auxiliary Services)***

- Check to see when the student's meal card was last used.

#### ***Student Care Coordinator (VP and Dean of Students)***

- Search for the student in his/her classes.
- If possible, call the student's cell phone.
- Contact fellow club and committee members.
- Interview the student's friends, roommates.
- Check the student's Facebook page (in conjunction with interviewing student's friends as they may permit access).
- Contact the student's parents/legal guardians.

#### ***Information Systems Coordinator (Director of Information Technology)***

- Send an email to the student or determine whether their Alliance University account has been accessed.

#### ***Academic Operations Coordinator (Provost)***

Registrar personnel will:

- Contact the student's professors.
- Contact the student's academic advisor.
- Check the student's class schedule.

#### ***After the First Two Hours***

Two hours after receiving the initial report and the student is not located, unless extenuating circumstances exist, the Student Care Coordinator (VP and Dean of Students) or his/her designee will contact the Jersey City Police Department and provide them with the name and description of the missing student. The Police will then respond to the campus.

### **Within 24 Hours**

Twenty-four hours after receiving the initial report and the student is not located, the Plan Executive and Director (Chief Financial Officer) will notify the News and Information Coordinator (Director of Public Relations) that there may be a missing student and instruct him/her to prepare draft statements for the media. At this time, unless extenuating circumstances exist, the university's News and Information Coordinator (Director of Public Relations) or his/her designee will contact the local news media and provide them with the name and description of the student. If the Jersey City Police Department determines that publicity would jeopardize the investigation and/or safety of the student, the local news media will not be notified.

### **Educational Programs: Security Awareness Programs and Crime Prevention Programs**

During orientation in September and January, students are informed about security awareness and crime prevention. Video and slide presentations outline ways to maintain personal safety and residence hall security, as well instructions on how to act during an active shooter situation. Students are told about crime on-campus and in surrounding neighborhoods. Student leaders also attend mandatory training in emergency management each August. Residence Life staff and Professional Staff facilitate programs and provide instructions on fire safety and security awareness and prevention during various mandatory all Hall meetings. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

When time is of the essence, a campus wide warning may be issued. The warning will be issued through the university e-mail system or via the NyackAlert Emergency Notification System to students, faculty and staff. Students are encouraged to enroll their e-mails and phone(s) in the Emergency Notification System at <https://e2campus.net/my/nyack/signup.htm> or at [www.nyack.edu](http://www.nyack.edu) go to "Student Life," selecting "Auxiliary Services," selecting "Safety and Security," and select "NyackAlert (e2campus) Timely Warning."

### **Alcohol and Other Drug Prevention Programs**

Each student is furnished with a copy of the University's alcohol and other drug policy as well as campus and community referral resources in the Student Handbook available on the Student Portal in July.

Counseling Services also offers a "Mentoring Program" for students with "at risk behaviors" (alcohol, drugs and aggressive behavior). All students who participate in the "Mentoring Program" must sign a voluntary "Contract" form for a one-academic-year commitment. Counseling Services also offer psycho-educational "Addictions and Recovery" groups, individual counseling sessions, workshops during the spring semester, informational pamphlets and brochures. National Alcohol Screening Tests and other Mental Health Disorders Screening Tests are also available in the Counseling Services Office.

The following documents are available for students and can be found in the Counseling Office in Room 018.

- Counseling Services Brochure
- Confidentiality Disclosure Statement form
- Contract for Mandated Students
- "Addiction & Recovery Group" (flier)
- National Alcohol Screening Test
- Coming Forward Policy
- "About Drug Addiction" (pamphlet)
- "Got A Harassment Problem?" (pamphlet)
- "Hate" pamphlet

## Counseling Services

The University provides the opportunity for counseling services for individuals. Students may contact the Counseling Office on the Manhattan Campus in Room 018 for appointments at (646) 564-6790. The counselors are available at posted hours. Their services are confidential and free of charge.

## Annual Disclosure of Crime Statistics

The Alliance University Facilities Department and Auxiliary Services Department prepare this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act. The full text of this report as well as fire and safety policies and procedures can be found on the campus web site [www.nyack.edu/site/safety-and-security/](http://www.nyack.edu/site/safety-and-security/). You can also access it by going to [www.nyack.edu/files21/Nyack-College-Annual-Security-and-Fire-Safety-Report-2020.pdf](http://www.nyack.edu/files21/Nyack-College-Annual-Security-and-Fire-Safety-Report-2020.pdf).

A notification is sent to the Office of the President each July from the Department of Education, providing any updated requirements for the Annual Security and Fire Safety Report. The notification is forwarded to the Campus Safety Department, who then contacts the local police departments to acquire crime and fire statistics for the campus. These are compared to security and incident reports on file in the Campus Safety office to verify accuracy, and all required statistics are submitted to the Department of Education and used by the Auxiliary Services Department to update the Annual Security and Fire Safety Report.

Each year by October 1 an e-mail notification is made to all enrolled students, faculty and staff, that Alliance University provides the website direct link to access the Annual Security and Fire Safety Report. Copies of the report may also be obtained at the following locations:

- Auxiliary Services Department, Floor 17, Room 1724, 2 Washington St., New York, NY 10004 or by calling (646) 564-6777
- Human Resources, Floor 21, Room 2122, 2 Washington St., New York, NY 10004 or by calling (646) 378-6121

For prospective students and employees, the full text of this report can be located on our website at <https://www.nyack.edu/site/safety-and-security/>. A summary of these statistics may be found in the Campus Crime Statistics section of this report.

## Campus Crime Statistics

The statistics reported below conform to the categories contained in the Crime Awareness and Campus Security Act (Clery Act). All data for all institutions is available to the public on the USDEOPE website located at <https://ope.ed.gov/campussafety>. Please note that on September 1, 2022, Nyack College changed its name to Alliance University. The name change takes up to one year to be reflected on the ope.ed.gov website. You can, however, view the statistics within this report.

The statistics below 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.

In the following categories, "Public Property" reflects the public property around Alliance University Manhattan main campus at 2 Washington Street (between Battery Place & Morris Street), New York, NY 10004. We made a good-faith effort to obtain statistics reported from 1st Precinct D located in NY, NY by the deadline of October 1st. However the agency indicated they could not comply with our deadline.

Statistics for "The Bay" residential facility located at 150 Bay Street, Jersey City, NJ, 07302 can be found under the Non-Campus sub heading.

## Criminal Offenses

### On-campus

Criminal Offense	Total occurrences On-campus		
	2019	2020	2021
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
d. Sex offenses - Non-forcible	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

### Public Property

Criminal Offense	Total occurrences on Public Property		
	2019	2020	2021
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
d. Sex offenses - Non-forcible	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0

e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

## Non-campus

Criminal Offense	Total occurrences on Non-campus		
	2019	2020	2021
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses – Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
d. Sex offenses - Non-forcible	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	1
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

## Hate Crimes

The following hate offenses manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin.

### On-Campus

Criminal Offense	Occurrences of Hate crimes								
	2021 Total	Category of Bias for crimes reported in 2021							
		Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0

Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

Occurrences of Hate crimes									
Category of Bias for crimes reported in 2020									
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

Occurrences of Hate crimes									
Category of Bias for crimes reported in 2019									
Criminal Offense	2019 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin

a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

### Public Property

Criminal Offense	Occurrences of Hate crimes								
	2021 Total	Category of Bias for crimes reported in 2021							
		Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0

l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0
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Criminal Offense	Occurrences of Hate crimes								
	Category of Bias for crimes reported in 2020								
	2020 Total	Rac e	Religio n	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

Criminal Offense	Occurrences of Hate crimes								
	Category of Bias for crimes reported in 2019								
	2019 Total	Rac e	Religio n	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0



h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

### Non-campus

Criminal Offense	Occurrences of Hate crimes								
	2021 Total	Category of Bias for crimes reported in 2021							
		Rac e	Religio n	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
c. Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
d. Robbery	0	0	0	0	0	0	0	0	0
e. Aggravated assault	0	0	0	0	0	0	0	0	0
f. Burglary	0	0	0	0	0	0	0	0	0
g. Motor vehicle theft	0	0	0	0	0	0	0	0	0
h. Arson	0	0	0	0	0	0	0	0	0
i. Simple assault	0	0	0	0	0	0	0	0	0
j. Larceny-theft	0	0	0	0	0	0	0	0	0
k. Intimidation	0	0	0	0	0	0	0	0	0
l. Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0

## Arrests

### On-campus

Law Violation	Number of Arrests		
	2019	2020	2021
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

### Public Property

Law Violation	Number of Arrests		
	2019	2020	2021
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

### Non-campus

Law Violation	Number of Arrests		
			2021
a. Weapons: carrying, possessing, etc.			0
b. Drug abuse violations			0
c. Liquor law violations			0

## Disciplinary Actions

### On-campus

Law Violation	Number of persons referred for Disciplinary Action		
	2019	2020	2021
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

**Public Property**

Law Violation	Number of persons referred for Disciplinary Action		
	2019	2020	2021
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

**Non-campus**

Law Violation	Number of persons referred for Disciplinary Action		
			2021
a. Weapons: carrying, possessing, etc.			0
b. Drug abuse violations			0
c. Liquor law violations			3

**VAWA Offenses - Domestic Violence, Dating Violence and Stalking****On-campus**

Law Violation	Occurrence of Incidents		
	2019	2020	2021
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	0	1	0

**Public Property**

Law Violation	Occurrence of Incidents		
	2019	2020	2021
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	0	0	0

## Non-campus

Law Violation	Occurrence of Incidents		
	2019	2020	2021
a. Domestic Violence			1
b. Dating Violence			0
c. Stalking			0

## Unfounded Crimes

	Number of Unfounded Crimes		
	2019	2020	2021
a. Total Unfounded Crimes	0	0	0

## Risk Reduction

### Maintain Situational Awareness

- Pay attention to the behavior and actions of people and the circumstances around you.
- Be alert for danger signals (for example, someone luring you from a public area to a location out of public view).
- If something seems bad, it probably is! Take action to avoid the threat and immediately report your observations to 9-1-1.

### Avoid Isolation

- Isolated persons are more likely to be victimized.
- Walk in groups, especially after dark. There is safety in numbers.
- Avoid isolated areas (locations in which there are no other persons nearby to see or hear if you are victimized and come to your assistance by intervening or alerting the police).
- Avoid isolation indoors (being alone in a laundry room, study area, workspace, etc.).
- Do not go into an isolated location with someone that has not yet earned your trust.

### If you Need to get out of an Uncomfortable situation here are some things 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.
- 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?

### Control Access to Residences

- Keep exterior doors and accessible windows closed and locked.

- Do not leave apartment or residence hall doors unlocked or propped/ bolted open.
- Don't allow strangers into your residence (or allow them to "piggyback" behind you).
- Verify the ID of any maintenance workers that want to enter your residence.
- Notify your RA/AC if locks and other security devices are missing or broken.

#### Don't leave property unattended or unprotected

- Don't leave your valuables (handbags, wallets, laptops, etc.) unattended.
- Keep your car doors locked and don't leave valuables exposed to view.

#### Take precautions on the Internet

- Avoid divulging personal information and your daily movements online.
- Utilize the privacy features of the social networking sites you use.
- Be alert for phishing scams.

#### Report suspicious and criminal activity

- Understand the importance of reporting: a crime cannot be prevented or solved if it isn't reported!
- Report suspicious and criminal activities immediately!
- When reporting please include: location of the incident, time of occurrence, description of the activity observed, description of persons involved, location and direction of travel of suspects, presence of weapons, etc.
- Call 9-1-1 for emergencies on or off campus.
- Non-emergencies on campus, call Campus Safety at 646.378.6198 or ext. 6198.
- Non-emergencies off campus, call Jersey City Police Department at (201) 547-5477 or New York 1<sup>st</sup> Precinct, (212) 334-0611.

#### What to do if you are directly confronted by criminal activity

- If the assailant wants your valuables, give them up (nothing you own is worth your life)!
- If you are being assaulted there are options based on your capabilities and the circumstances:
  - Submission – submitting to a crime may be necessary if there are no other viable options
  - Passive resistance - talking your way out of the situation
  - Seeking assistance – calling loudly for help and fleeing towards other persons or occupied locations
  - Active physical resistance – If you do physically resist, the goal is to break away and get to help.

#### Personal Supplies

It is important to have emergency supplies on hand. You can find lists online, but here are some of the basics:

- Flashlight
- Blanket
- Water
- Non-perishable food (granola bars, trail mix, etc.)
- Important documents
  - Identification
  - Medical information
  - Emergency contact information
- Small first aid kit
- Cash/credit card
- Charged cell phone

## Alcohol and Other Drugs

Because we seek to create an environment that nurtures the spiritual, social, and intellectual growth of young adults, as well as support the physical and emotional well-being of each member of our community, Alliance University is an alcohol-, illegal drugs-, and tobacco-free campus.

In accordance with this policy:

- Possession of alcohol containers on campus will be considered a violation of this policy. Evidence of alcohol consumption, use, or distribution of marijuana or other drugs (e.g. breath that smells of weed, impaired motor skills or judgment, disruptive, destructive, hazardous, or offensive behavior that can be linked to the consumption) will also be considered a violation of this policy. Students may not use any substance, even legally obtained, for the express purpose of “getting high.” Anyone involved in the sale or distribution of drugs on or off campus may be dismissed immediately and will be referred to local law-enforcement officials.
- ***In compliance with the laws of New York and New Jersey, students who are under 21yrs of age may not drink alcohol on or off campus. In compliance with the laws of the state of New York and New Jersey, public intoxication is not permitted on campus.***
- Students are not permitted to be in the company of others who are using a controlled substance or who are in possession of drug-related paraphernalia.
- Alcoholic beverage containers, posters, and other items advertising alcoholic beverages are not permitted anywhere on campus or in conjunction with any activity associated with the University.
- Any drug, alcohol, or tobacco use shown on social media (including, but not limited to Facebook, Twitter, Instagram, Snapchat, TikTok, etc.) may be subject to sanctioning.
- Hosting or in any way assisting or promoting a gathering (on or off campus) that includes underage drinking or drunkenness may result in suspension. Those living at the location where the party is held may be held responsible as hosts regardless of who provides the alcohol.
- The use or possession of tobacco in any form is prohibited on campus. This includes smoking, chewing tobacco, dipping snuff, openly displaying tobacco, hookah (hookah pens and vapor pens), hemp vape, e-cigarettes, and advertising tobacco products in any form.

***NOTE: Upperclassmen, who are in violation of the Alcohol and Other Drugs policy, along with any other community standard or policy, are in jeopardy of losing their privilege of living in campus housing.***

Possession means having the substances or being in the presence of other Alliance University students who are in possession of these substances. This includes, but is not limited to, residences, vehicles, or in another location on or off campus.

It is expected that while students are enrolled in course work, including breaks during their academic career at Alliance University, they will be in compliance with the Alcohol and Other Drugs policy.

## **Sanctions**

Violation of the Alcohol and Other Drugs policy may result in sanctions ranging from a letter of reprimand to dismissal. As noted in the Student Handbook, a record of disciplinary sanctions is kept in the Student Development files while the student is at Alliance University. In accordance with FERPA, university officials, as well as parents, will be involved or notified when appropriate. The University will also involve local law enforcement officials when appropriate.

Illegal possession, use, or distribution of illicit drugs, or illegal use or possession of alcohol is punishable under applicable local, state, and federal law. Penalties include stringent fines, loss of driver’s license, loss of possessions obtained through the profits of or used in the sale or distribution of illegal drugs, and/or imprisonment. Students should also be aware that Title 21 of the U.S. Code, § 845A, provides for increased penalties for those persons who manufacture, sell or distribute narcotics, controlled substances and marijuana within 1,000 feet of a public or private elementary school location or secondary school or public or private college, junior college or university.

Any student who is convicted of violating a criminal drug statute is required to notify the University, including the Student Financial Services Office, within five days of the conviction (including pleas of “guilty” or “nolo contendere”).

## **Help in Overcoming Alcohol and Other Drug Abuse**

Students who find that they are struggling with alcohol and other drugs, their use, and the role it plays in the life that God imagines for us are encouraged to seek help under the [Coming Forward Policy](#). For students who seek help for substance abuse problems, complete confidentiality will be observed to the limit of the law. Confidential counseling and treatment are available

to students through campus Health Services and Counseling Services or by referral to appropriate agencies off-campus. Please contact Counseling Services for more information.

Students who are 21 years of age or older found to be responsible for supplying alcohol to anyone under the age of 21 are subject to the sanctions stated above. Supplying is including but not limited to:

- Purchasing an alcoholic beverage for someone under 21 years of age.
- Giving an alcoholic beverage to someone under 21 years of age.
- Making alcohol available to someone under 21 years of age.

In addition, a student who is 21 years of age or older who has a guest under 21 that consumes alcohol on or in his/her leased, rented, or owned property is also subject to the sanctions stated above.

We reserve the right to contact the local law enforcement officials.

In accordance with changes in the Family Education Rights and Privacy Act, the University may contact parents when any student violates University alcohol or drug policies or laws and is under age 21 or is still a dependent of his/her parents as defined in Section 152 of the Internal Revenue Code. The University reserves the right to exercise total discretion in the imposition of disciplinary sanctions.

All sanctions listed above are the minimum standard sanctions. Should a student have a disciplinary history, regardless if past violations are unrelated to current violations, sanctions imposed may be more severe. Sanctions may also be more severe for multiple concurrent violations. The standard sanctions may be reduced by the presence of substantial mitigating or other appropriate circumstances. Reduction in sanctions is at the discretion of the Student Conduct Committee and/or VP and Dean of Students.

## Coming Forward

The Coming Forward Policy exists to provide students the space to be heard and assisted if the student owns and takes responsibility for the current issue. Any student desiring to change behaviors or attitudes that are in violation of university Community Lifestyle Expectations or standards has the opportunity to come forward and seek help in changing her/his behavior. A student, who voluntarily confesses a violation of Community Lifestyle Expectations or standards will not face formal disciplinary sanctions, provided the student:

1. Voluntarily initiates confession to a university faculty or staff member;
2. Puts the confession in writing by completing and signing the "Coming Forward Declaration and Agreement Form;"
3. Commits to a Growth Contract outlined by the VP and Dean of Students or other Student Development professional staff member.
4. Understands that sanctions may still be levied based on conversations had and a determination of violation of university policy if said student is coming forward for assistance with a struggle.

Students must come forward prior to any accusation or other discovery of the violation by the Student Development Staff. Alliance University reserves the right not to consider the confession a mitigating circumstance if the student materially falsifies the confession, does not complete the assigned Growth Contract, or continues to violate university policy. Other mitigating circumstances include behavior that is self-destructive, hazardous to others, or a significant civil or legal issue.

The Coming Forward policy does not include instances where the student is a victim of sexual violence, in which case there is amnesty for alcohol and drug use. Please see the [Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases](#) for more information.

## Reporting

### Reporting a Student of Concern

For those in the Alliance University community who teach, supervise, mentor and support our Alliance University students, the following guidelines may be helpful when you believe a student referral should be made.

1. Immediate (but not an emergency): Contact either the Office of Student Development at (646) 378-6194 or x6194, Residence Life Professional Staff on duty after 7:00PM at (845) 213-9145, or Campus Safety at (646) 378-6198 or x6198, if there is an immediate concern about the health or safety of a student. Please be sure to speak with someone in person so we can respond quickly.
2. Ongoing but not an immediate health/safety concern: Contact the VP and Dean of Students if your concern does not rise to an immediate health/safety level but you feel that the student could use an additional network of support. Possible referrals could include:
  - a. A student who is missing a significant number of classes.
  - b. A student who is expressing disturbing thoughts/feelings in written or oral work.
  - c. A student who exhibits a change in usual behavior (onset of anxiety, anger, withdrawal).

Upon getting the referral, typically within 24-48 hours, a member of the team will reach out to the student. The faculty/staff member's name will likely be used in the context of, "Faculty/staff X shared with me through our normal processes of caring for students that they are concerned about you and I am reaching out to you to offer resources and support." From there, the team member will work with the student to determine appropriate follow up measures.

Once the Student of Concern Committee has identified a student of concern, a decision is made to either address them individually or refer them to the Threat Assessment Team. Alliance University has established a second team entitled "Threat Assessment Team" to address situations where students may need further assessment due to an escalation of disruptive, threatening or worrisome behaviors that have the potential to impede their own academic progress or that have the potential to impede the ability of others to function successfully or safely.

It is imperative that any member of the Alliance University community – faculty, staff or students – immediately report any situation that could result in harm to anyone at the University.

## Reporting an Employee of Concern

Workplace violence covers a wide range of disruptive behaviors that may include threats, harassment, intimidation, bullying, assaults, stalking and domestic violence that enter the workplace. Lack of awareness and/or failure to commit to action are major contributors to violence in the workplace.

1. Immediate (but not an emergency): Contact either the Office of Human Resources at (646) 378-6121 or x6121, or Campus Safety at (646) 378-6198 or x6198 (Manhattan Campus) if there is an immediate concern about the health or safety of an employee. Please be sure to speak with someone in person so we can respond quickly.
2. Ongoing but not an immediate health/safety concern: Contact the VP of Human Resources if your concern does not rise to an immediate health/safety level but you feel that the employee could use an additional network of support. Possible referrals could include:
  - a. Job performance problems, such as inconsistent productivity, excessive tardiness and absenteeism, and poor relations with co-workers.
  - b. Chronic, hypersensitive complaints about persecution or injustice.
  - c. Holding grudges, inability to handle criticism, habitually making excuses, and blaming others
  - d. Bizarre comments or behavior, especially if it includes violent content

## Sexual Misconduct and Violence Policy

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

Alliance University will not tolerate any type of sexual assault, dating violence, domestic violence, or stalking committed by students, faculty, staff, or against any student, faculty or staff by any individual not belonging to the campus community. Sexual offenses in the State of New York are outlined under Article 130 of the NYS Penal Law. Alliance University recognizes domestic violence, dating violence, sexual assault and stalking as defined in this document. Committing such offenses can result in lengthy terms of imprisonment and civil action.



## Hostile Environment Harassment

Hostile Environment Harassment is the most common kind of harassment. It occurs when repeated offensive behavior or comments create an unpleasant or intimidating environment. This includes offensive statements, materials or gestures (whether by mail, electronic communication or personal encounter) that defame the character, dignity or respect of an individual, ethnicity or culture. Such behavior will not be tolerated and will be subject to disciplinary sanctions. Hostile Environment Harassment may also involve sexual comments or inappropriate touching on a one-time basis.

## Federal and State Policies on Sex Discrimination and Sexual Misconduct

In compliance with Title IX, the University prohibits discrimination based on sex, sexual harassment, sexual misconduct and sexual violence, as well as retaliation for asserting such claims of discrimination. For more information on the University's Title IX policy and process, see Title IX Policy. In accordance with the Violence Against Women Reauthorization Act of 2013, the University prohibits domestic violence, dating violence, sexual assault, and stalking. When an incident of sex discrimination, sexual violence, sexual harassment, domestic violence, dating violence, sexual assault, or stalking is reported, the University will provide a consistent, caring, and timely response.

New York State Educational Law Article 129-B is the implementation by New York State colleges and universities of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures. The provisions of Article 129-B shall apply regardless of whether the violation occurs on campus, off campus, or while studying abroad.

Alliance University urges those who believe they have been the victim of an act(s) of sex discrimination and/or sexual violence to pursue all options available relative to resolving the matter. Employees of the University who become aware of an incident of sex discrimination or sexual violence should contact the Title IX Coordinator. If you are unsure what happened to you and are unclear as to whether or not the incident in question is considered sex discrimination or sexual violence, please reach out to any of the University's Title IX Coordinators (see the section of this policy that lists the Title IX Coordinators and their contact information) and set up a meeting for an initial conversation.

## Sexual Harassment

Harassment on the basis of sex is a violation of New York State Law and the Federal Civil Rights Act. It is the policy of Alliance University to prohibit sexual harassment of its employees and students in any form. In maintaining this policy, the University seeks to assert basic Christian precepts, to affirm ethical standards universally accepted in the workplace and classroom, and uphold existing law. No practice or behavior that constitutes sexual harassment will be tolerated.

Sexual harassment is essentially a display of power intended to intimidate, coerce, embarrass or degrade another person. Usually the harasser has power over the victim (such as a supervisor over a subordinate or a larger person over one of smaller stature), and seeks to exploit unfairly that differential in power. In any form, such behavior undermines the atmosphere of trust and collegiality that Alliance University seeks to foster and is therefore unacceptable.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic progress; (2) submission to or rejection of such conduct is used as a basis for academic or employment decisions affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment is illegal and immoral.

## Reporting Harassment

Any individual who believes that he/she has been the recipient of harassment is strongly encouraged to report the alleged occurrence(s) as soon as possible to a representative of the University with whom the individual feels comfortable discussing the matter (e.g., Residence Hall Director, Advisor, Student Development Staff member, Human Resources, etc.). The representative will then contact the VP and Dean of Students if the alleged harasser is a student. If the alleged harasser is an employee of the University or a vendor/contractor of the University, the representative will contact the academic head at the

respective campus or Human Resources. For instances of sexual harassment, students may also contact the Title IX Coordinator at (646) 378-6121.

## Sexual Assault and Dating Violence

Sexual assault and dating violence are extreme forms of sexual harassment. The use of threat or force to obtain sexual contact, including sexual intercourse, includes any of the following: (1) any intentional, non-consensual touching or threat or attempt to touch an intimate body part of another person; (2) unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another; (3) forcing, or attempting to force, any other person to engage in sexual activity of any kind. By definition, a person who is intoxicated, unconscious, mentally impaired, or threatened is unable to give consent. See definitions of sex offenses in the definitions section.

### Stalking

Alliance University describes stalking as any behaviors or activities occurring on two or more occasions that collectively instill fear in a reasonable person or cause them to suffer substantial emotional distress. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face, telephone calls, voice messages, texts and instant messages or e-mails, written letters, unwanted gifts, etc.;
- Threatening or obscene gestures;
- Pursuing or following;
- Surveillance or other types of observation;
- Trespassing;
- Vandalism;
- Non-consensual touching.

\*These offenses may result in additional charges.

Stalking behavior will not be tolerated. Incidents occurring on or off campus are subject to university discipline when such actions materially affect the learning environment or operations of the University.

Stalking is a crime under New York State law. Incidences of stalking outside New York State may be admissible in court, if it is relevant to the case and may be punishable as a Class B misdemeanor or a Class D felony. Legal options available to victims of stalking include reporting to the local police, seeking a remedy through civil proceedings, and/or utilizing the campus disciplinary process.

## Reporting Stalking

If an individual believes they are being stalked they should contact the following offices depending on their comfort level:

- Call Campus Safety
  - Campus Safety, x6198 or (646) 378-6198
- Contact the local police department Jersey City: (201) 547-5477 NYC: (646) 610-7272 and file a police report\*
- Students:
  - Call the Residence Life On-Duty Phone (845) 213-9145
  - VP and Dean of Students, Floor 20, Room 2033, x6194 or (646) 378-6194
- Employees:
  - Contact Human Resources/Title IX Coordinator (646) 378-6121

If you know the identity of the stalker, inquire about the possibility of obtaining a restraining order. Keep a journal of everything that occurs, including dates, places and times of events. When the communication is electronic, save any voicemails, e-mails, texts and instant messages.

\*Victims/survivors are not required to file a police report and may decline to do so. Students can also contact Counseling Services, Residence Life, or Student Development for assistance in filing a police report. Employees may contact Human

Resources for assistance in filing a police report. If the victim is unable to file a police report (i.e. they are incapacitated, unconscious, etc.) Alliance University will file the report on their behalf.

## Alliance University Students' Bill of Rights

Alliance University is committed to providing options, support and assistance to victims/survivors, hereafter reporting individuals, of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in University-wide and campus programs, activities, and employment. All reporting individuals of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

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

The following is a link to the Students' Bill of Rights on our website as well as more information concerning our policies: <http://www.nyack.edu/content/SexualAssaultResponse>.

### Options in Brief:

Reporting individuals have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, see Options for Confidentially Disclosing Sexual Violence);
- Make a report to the University through an employee with the authority to address complaints (Campus Security Authorities) including:
  - VP and Dean of Students
  - Graduate Academic Deans
  - Resident Directors
  - Area Coordinators
  - VP of Human Resources/Title IX Coordinator

- Athletic Director/Coaches
- Campus Safety
- Campus Safety at (646) 378-6198 or x6198
- Director of Auxiliary Services
- **And/or**
- Local Law Enforcement; and/or
- Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on the Alliance University's website, and posted in each campus residence hall, dining hall, and campus center and shall include links or information to access the **Sexual Violence Response Policy** below and the **Options for Confidentially Disclosing Sexual Violence**.

## Sexual Violence Response Policy

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

## Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

### 1. Introduction

#### What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 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
- 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: <http://bit.ly/TitleIXReg>

Based on the Final Rule, Alliance University will implement the following Title IX Grievance Policy, effective August 14, 2020.

#### How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Alliance University must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Alliance University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- **Code of Conduct** that define certain behaviors as a violation of campus policy, and a separate **Sexual Violence Prevention and Response Policy** that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct and Non-Title IX Sexual Violence Prevention and Response Policy through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the Code of Conduct, 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 University and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## **2. The Title IX Grievance Policy**

### **General Rules of Application**

#### **Effective Date**

The Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

#### **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 the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct and Sexual Violence Prevention and Response Policy.

#### **Non-Discrimination in Application**

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 institution'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>.

### **Definitions**

#### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes a Ny sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws 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 New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Conduct.

### **Consent**

For the purposes of this Title IX Grievance Policy, "consent" means "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."

### **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, Alliance University's "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that Alliance University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Alliance University's programs and activities over which Alliance University has substantial control.

### **Formal Complaint**

For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission – filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Alliance University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Relevant evidence and questions**

"Relevant" evidence and questions refer 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:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - 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).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
  - Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

### **Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **Privacy vs. Confidentiality**

Consistent with the Code of Conduct, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or university officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Alliance University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Alliance University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to the Institution**

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:

Name: Karen Davie

Title: VP of Human Resources & Title IX Coordinator

Office Address: 2 Washington St. Floor 20, Room 2122, New York, NY 10004

Email Address: karen.davie@nyack.edu

Telephone Number: (646) 378-6121

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee
- Other Required Reporters
  - Vice President of Student Development and Dean of Students, Room 2033, x6194 or (646) 378-6194
  - Graduate Academic Deans, various departments
  - Residence Hall Directors, 845-213-9145
  - Athletic Director/Coach, 150 Bay St, Jersey City, NJ, x6760 or (646) 564-6760
  - Campus Safety at x6198 or (646) 378-6198
  - Director of Auxiliary Services, Room 1724, x6185 or (646) 378-6185
- The following Officials may provide confidentiality:
- Counseling Services, Room 022, x6447, (646) 378-6447

### **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

#### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Alliance University regardless of whether they desire to file a complaint. Supportive measures, as appropriate, may include

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- restrictions on contact between parties (no contact orders),
- changes in work or housing locations,
- leaves of absence, and/or
- increases security monitoring of certain areas of the campus.

Supportive measures are non-disciplinary and non-punitive.

#### **Emergency Removal**

Alliance University retains the authority to remove a respondent from Alliance University's program or activity on an emergency basis, where Alliance University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Alliance University determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The respondent may request a prompt review of the need for and terms of the removal with the Office of Student Development.

#### **Administrative Leave**

Alliance University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the Employee Handbook.

### **The Title IX Grievance Process**

#### **Filing a Formal Complaint**

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 ninety (90) calendar 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. The procedure for applying for extensions is described below.



To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Alliance University, including as an employee. For complainants who do not meet this criteria, the University will utilize existing policy in the Code of Conduct and/or Sexual Violence Prevention and Response Policy.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Alliance University will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Informal Resolution**

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment 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 covered sexual harassment arise out of the same facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process 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 Alliance University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Alliance University will investigate the allegations according to the Title IX Grievance Process.

### **Allegations Potentially Falling Under Two Policies:**

Option 1: If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator or another appropriate official without a conflict of interest or bias will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

### **Discretionary Dismissal**

The Title IX Coordinator or another appropriate official without a conflict of interest or bias may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Alliance University; or,
- If specific circumstances prevent Alliance University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

### **Notice of Dismissals**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, Alliance University retains discretion to utilize the Code of Conduct and/or Non-Title IX Sexual Violence Prevention and Response Policy to determine if a violation of the Code of Conduct and/or Non-Title IX Sexual Violence Prevention and Response Policy has occurred. If so, Alliance University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution’s Title IX Grievance Process including the informal resolution process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- 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 grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review 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 institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that the Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered “sexual harassment” falling within the Title IX

Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

#### **Advisor of Choice and Participation of Advisor of Choice**

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

Alliance University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. 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 Alliance University.

Alliance University 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.

Alliance University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other university policies apply to matters governed under this Policy, and Alliance University 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. Alliance University 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 Alliance University.

#### **Notice of Meetings and Interviews**

Alliance University will 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 a party, with sufficient time for the party to prepare to participate.

#### **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five (5) day pause made an hour before a hearing for which multiple parties and their Advisors have traveled to and prepared for shall generally not be granted, while a request for a five (5) day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or his/her designee shall have sole judgment to grant further pauses in the Process.

#### **Investigation**

##### **General Rules of Investigations**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

Alliance University and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Alliance University and does not indicate responsibility.

Alliance University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Alliance University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The institution will provide the parties five (5) calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties. See, 85 Fed. Reg. 30026, 30307.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination. The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435. The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435.

### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30438.

### **Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence and provide that Report to the parties at least ten (10) calendar days prior to the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, 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.

The investigator 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.

## **Hearing**

### **General Rules of Hearings**

Alliance University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing will be conducted virtually through remote video conferencing with any or all parties, witnesses, and other participants in attendance. This technology will enable participants simultaneously to see and hear each other. At its discretion, Alliance University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording, audiovisual recording, or transcript. That recording or transcript will be made available to the parties for inspection and review. Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn See, 85 Fed. Reg. 30026, 30435.

### **Continuances or Granting Extensions**

Alliance University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Alliance University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the Live Hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361.
  - For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.

- o Alliance University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216.
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).

#### *The Decision-maker*

- The hearing body will consist of a single decision-maker.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Advisor of Choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution 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.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appears at the hearing, Alliance University will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

#### **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- Decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after Decision-maker conducts its initial round of questioning; During the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time for the purposes of asking decision-maker's own follow-up questions; and any time necessary in order to enforce the established rules of decorum.

- 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 Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the decision-maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the decision-maker may be deemed irrelevant if they have been asked and answered.

### **Review of Transcript or Recording**

The transcript or recording of the hearing will be available for review by the parties within 5 calendar days, unless there are any extenuating circumstances. The transcript or recording of the hearing will not be provided to parties or advisors of choice.

### **Determination Regarding Responsibility**

#### **Standard of Proof**

Alliance University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

#### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Alliance University allow parties to call "expert witnesses" for direct and cross examination. Alliance University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Alliance University allow parties to call character witnesses to testify. Alliance University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Alliance University admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the decision-maker may draw an adverse inference as to that party or witness’ credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided by the recipient to the complainant; and
6. The recipient’s procedures and the permitted reasons for the complainant and respondent to appeal (described below in “Appeal”).

### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Alliance University within ten (10) calendar days of the completion of the hearing.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.



The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 5 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced.

Appeals will be decided by the Student Conduct Appeals Committee, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **Retaliation**

Alliance University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual 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 Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the Graduate and Undergraduate Grievance and Complaint Processes.

### **Reporting**

If a member of the campus community is a victim of a sexual assault, domestic violence, dating violence, or stalking on campus, his/her first priority is to get to a place of safety. It is his/her choice to report any acts of sexual assault, domestic violence, dating violence, or stalking. If he/she wants their assailant to be held criminally accountable for the attack/unwanted sexual contact, call 911 immediately to report what occurred. If the victim, hereafter referred to as a reporting individual, desires assistance in making the call, he/she can request help from a campus representative. The police may request a medical evidentiary exam.

A reporting individual may choose to report the assault and then later choose not to pursue the criminal case. If the reporting individual chooses not to report the assault immediately, he/she may still do so at a later time; however, there may be less physical evidence against the attacker if reported at a later time.

Time is a critical factor for evidence collection and preservation. To preserve evidence of the assault:

- Obtain necessary medical treatment.
- Ideally a survivor (reporting individual) of sexual assault should not wash, douche, brush teeth, use the toilet, or change clothing prior to a medical exam.
- Do not straighten up the area where the assault took place.

- The reporting individual should keep a journal of everything that occurred, including dates, places and times of events.
- When the communication is electronic, he/she should save any voicemails, e-mails, texts and instant messages.
- (If the reporting individual has already cleaned up from the assault, the crime can still be reported and the police will take a report to investigate.)

### Options for Confidentially Disclosing Sexual Violence Policy:

- **To *confidentially* disclose an incident to one of the following university officials, who by law may maintain confidentiality, and can assist in obtaining services:**
  - Counseling Office, Floor LL, Room 018, x6790, (646) 564-6790.
- To disclose the incident to one of the following Alliance University officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by Alliance University from retaliation, and to receive assistance and resources from Alliance University. These Alliance University officials will disclose that they are private and not confidential resources and they may still be required by law and Alliance University policy to inform one or more Alliance University officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or the district attorney.
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Alliance University policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.
  - VP of Human Resources/Title IX Coordinator, Floor 21, Room 2122, x6121 or (646) 678-6121
  - VP and Dean of Students, Floor 20, Room 2033, x 6194 or (646) 378-6194
  - Graduate Academic Deans
  - Residence Hall Directors:
    - Residence Life Professional Staff On-Duty Phone (845) 213-9145
  - Athletic Director/Coach, Jersey City, Floor 6, x6760 or (646) 564-6760
  - Campus Safety,
    - Campus Safety at x6198 or (646) 378-6198
  - Director of Auxiliary Services, Floor 17, Room 1724, x6185 or (646) 378-6185
- To disclose *confidentially* the incident and obtain services from New York State presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
  - RAINN: <https://www.rainn.org/get-help>

(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- To file a criminal complaint with local law enforcement:  
**Jersey City:**

- Jersey City Police Department, (201) 547-7207, 7th St 2nd floor, Jersey City, NJ 07302, or if emergency, **dial 911**.
- New Jersey S.A.V.A. (Sexual Assault Victim Assistance) (201) 915-1234
- NYC:**
  - NYPD Special Victims Division (646) 610-7272
- Graduate/Seminary students may file a report of sexual assault, domestic violence, dating violence, and/or stalking with the Title IX Coordinator who will provide information and assistance. Reports will be investigated in accordance with Alliance University policy.
  - Title IX Coordinator, Floor 21, Room 2122, (646) 378-6121, karen.davie@nyack.edu.
- **State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.**
- You may withdraw your complaint or involvement from the Alliance University process at any time.
- Alliance University shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a university representative, the following information shall be presented to the reporting individual: “You have the right to make a report to Campus Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to Alliance University; to be protected by Alliance University from retaliation for reporting an incident; and to receive assistance and resources from Alliance University.”
- When the accused is an employee, a reporting individual may also report the incident to the Alliance University Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable policies in the Employee Handbook. When the accused is an employee of an affiliated entity or vendor of Alliance University, university officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and Alliance University policy.
  - Karen Davie, Floor 21, Room 2122, (646) 378-6121, karen.davie@nyack.edu

## Resources:

- To obtain effective intervention services.
  - Information may be found here: <https://www.nycourts.gov/courthelp/pdfs/NYS-OVS-rights-cv-booklet.pdf>, or by calling 1-800-247-8035.
    - Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus. In some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. Options are explained here: <https://www.ovs.ny.gov/help-crime-victims>

### Campus Services:

- Counseling Office (confidential services), Floor LL, Room 020, (646) 564-6790 or x6790. There is no charge for these services.

### Local Services:

- Hudson SPEAKS Against Sexual Violence (Designated rape crisis center for Hudson County). Assists survivors of sexual assault in Hudson County; provides free and confidential services to survivors of sexual assault; 24-hour crisis hotline; 24-hour escorts to hospitals, courts, and law enforcement agencies; and individual and group

counseling for survivors and their significant others. Christ Hospital, 179 Palisade Ave., Jersey City; 24-hour hotline, 201-795-5757

- Alliance Community Healthcare, Inc. provides counseling and confidential STI, AIDS, and pregnancy testing. 115 Christopher Columbus Dr. Suites 100 & 101, Jersey City, NJ 07302; 201-451-6300
- Jersey City Medical Center 355 Grand St, Jersey City, NJ 07302; (201) 915-2000
- S.A.V.A. (Sexual Assault Victim Assistance). Division of the Hudson County Prosecutor's Office. Call for reporting incidents in Jersey City. Available 24 hours including Sundays and holidays; 201-915-1234
- Love is Respect; Provides information about how you can recognize an unhealthy or abusive relationship. Offers a 24-hour hotline 1-866-331-9474 | TTY: 1-866-331-8453 | Text: loveis to 22522 | or visit loveisrespect.org to chat online.
- Rape, Abuse and Incest National Network; A free, confidential, national sexual assault 24-hour hotline 1-800-656-HOPE. Also offers online chatting with a trained RAINN support specialist, anytime.
- Manavi, An organization that supports survivors of violence with a specific focus on the rights and needs of South Asian women. 24-hour hotline: 1-732-435-1414
- State of New Jersey, Department of Children and Families, Services for Women Provides services and advocacy for women, including a statewide Domestic Violence Hotline that provides a 24-hour, seven-day-a-week confidential hotline for domestic violence victims and others seeking crisis intervention, information and/or referral services 1-800-572-SAFE (7233).
- *NYC Alliance Against Sexual Assault*; 32 Broadway Suite 1101, New York, NY 10004; (212) 229-0345
- Violence Intervention Program 1-800-664-5880
- New York State "Enough is Enough" dedicated hotline for reporting sexual assaults on college and university campuses: (844) 845-7269
- Beth Israel ER/Rape Crisis Intervention & Domestic Violence Program. A survivor of sexual assault may go to any hospital ER for a medical/forensic examination; however, the closest hospital to Alliance University with SAFE examiners (physicians certified in handling cases of sexual assault) is Beth Israel. This hospital is staffed with trained social workers and counselors who provide additional care through the Rape Crisis Intervention Program. The Beth Israel ER is located on First Avenue at 16th Street, New York, NY 10003 General Number: 212-420-2000 Emergency Services 212-420-2840. Rape Crisis & Domestic Violence Intervention Program Dept. of Social Work 317 E 17th St. New York, NY 10003 212-420-4516.
- NYU Langone Medical Center Emergency Room (SAFE kit available for admitted patients); 570 First Avenue, New York, NY 10016 (212) 263-5550

- To confidentially disclose the incident and obtain services from the New York State hotline please call 1-800-942-6906. Additional information can be found with the State Department of Victim Services at <https://www.nycourts.gov/courthelp/pdfs/NYS-OVS-rights-cv-booklet.pdf> or by calling 1-800-247-8035. Options are also explained here: <https://ovs.ny.gov/help-crime-victims>
- To locate a program near you: <https://ovs.ny.gov>
- Additional disclosure and assistance options are cataloged by the Office for the Prevention of Domestic Violence and presented in several languages: <https://ovs.ny.gov/language-services>.
- Assistance can also be obtained through:
  - Legal Momentum: <https://www.legalmomentum.org/>
  - SCADV: <http://www.nyscadv.org/>
  - Safe Horizons: <http://www.safehorizon.org/>

(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

## Protection and Accommodations

- When the individuals are students, both parties (Complainant and Respondent) have the following rights:

- To have the university issue a “No Contact Order,” consistent with university policy and procedure, meaning that continuing to contact the protected individual is a violation of university policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Alliance University policy. Parties may submit evidence in support of their request. Alliance University will establish appropriate schedules for accused and respondents regarding access to applicable buildings at times when reporting individuals are not accessing them.
- To have assistance from University Officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with local police and university officials who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
  - To give an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
  - To have assistance from university officials in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of local police. Since Alliance University Campus Safety does not have arresting powers, they will call on and assist local law enforcement in effecting an arrest for violating such an order.
  - When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension, including potential modification and may submit evidence in support of their request.
  - When the accused is not a student, but is a member of the university community, and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with the employee handbook, and Alliance University’s policies and rules.
  - When the accused is not a member of the university community, to have assistance from Campus Safety or other university officials in obtaining a persona non grata letter, subject to legal requirements and Alliance University policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment consistent with Alliance University policies and procedures. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them, including a potential modification, and they may submit evidence supporting the request. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
  - Student Development, Floor 20, Room 2034, x6194 or (646) 378-6194
- Employee Reporting Individuals
  - Depending on the particular allegations of a reported issue, employee victims may be given an adjustment to their work environment while an investigation proceeds. Whenever possible and appropriate, the interim adjustments would be made to the accused employee, rather than to the reporting individual (complainant). Such adjustments may include a work location change, supervisor change, work duties change and/or an administrative leave. Employees and their dependents may contact the Employee Assistance Program for confidential support, resources, and information. Human Resources can also assist with referral to professional counseling.

**Any violation of this policy shall result in disciplinary action including, but not limited to, warning, reprimand, probation, suspension, expulsion or dismissal. Retaliation against an individual for bringing a sexual harassment complaint is prohibited by law and will lead to further disciplinary action. Nothing in this policy shall preclude a student from seeking redress through external legal proceedings.**

### *Respondent and Reporting Individual Rights*

- To file student conduct charges against the accused: Anyone reporting an incident of sexual assault, domestic violence, dating violence, or stalking will have the opportunity to complete a Sexual Assault Incident Report and choose whether to have the University investigate the incident and bring student conduct proceedings against the accused. Conduct proceedings are governed by the procedures set forth in the Alliance University Student Handbook as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
  - The same opportunity to be accompanied by an advisor of his/her choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  - The right to a prompt response to any complaint and to have his/her complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
  - The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
  - The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing he/she is required to or is eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
  - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
  - The right to offer evidence during an investigation and to review available evidence in the case file relevant to the conduct case (or otherwise held by Alliance University).
  - The right to present evidence and testimony at a hearing, where appropriate.
  - The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
  - The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in the university disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
  - The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
  - The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  - The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
  - The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
  - Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
  - The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
  - The right to choose whether to disclose or discuss the outcome of a conduct hearing.

- The right to have all information which has been obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- All hearings will be conducted by the Student Conduct Officer and the Student Conduct Committee.

## **Bystander Intervention – How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene, if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else's safety has been threatened or is in danger.

Here are some ways you can be an active bystander:

1. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
2. 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 okay.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to the on or off campus resources listed in this report for support or offer to go with them to talk to an on-campus authority or Police.
6. Assume personal responsibility. It is EVERYONE's responsibility to intervene to stop inappropriate behavior. Intervening in these situations, as soon as it is safe to do so, is the best course of action.

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

<b><u>YOU</u></b>	<b><u>A Friend</u></b>
Get to a safe place	Get them to a safe place
Tell someone you trust	Believe them and don't blame them
Call campus safety OR an agency/person you are comfortable with. You also have the right to call law enforcement	Call campus safety OR an agency/person they are comfortable with
Preserve Evidence	Preserve Evidence
-Don't shower/wash up	-Encourage not to shower/wash up
-Don't brush your teeth	-Encourage not to brush teeth
-Don't urinate or use the bathroom	-Encourage not to urinate or use the bathroom
-Don't disturb the scene, if possible	-Encourage not to disturb the scene, if possible
-Save clothing that was worn at the time of assault	-Encourage them to save clothing that was worn at the time of assault
-If concerned about date rape drugs, try to save your drinks or the containers	-Encourage to save drinks or containers if concerned about date rape drugs
Go to the hospital for treatment and evidence collection. Treatment is free and confidential	Encourage them to go to the hospital for treatment and evidence collection and go with them. Treatment is free and confidential

Talk to a professional, counselor or special victims center

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

Follow through – recovery is not immediate

Encourage them to follow through – recovery is not immediate

## A Plain-Language Explanation of Distinctions Between the New York State Penal Law and the Alliance University Disciplinary Processes

	<b>Criminal Justice System</b>	<b>Alliance University Disciplinary System</b>
<b>Goals</b>	Safety, deterrence, and punishment	Education; safety; safe and supportive campus
<b>Governing Law</b>	NYS Penal Law NYS Rules of Criminal Procedure Federal Criminal Law Federal Rules of Evidence	Title IX The Clery Act, Amended NYS Education Law Sections 129A and B
<b>How to Report</b>	Crimes involving sexual violence may be reported to: Alliance University Title IX Coordinator Alliance University Public Safety New York State Police Department Local Police New York City Police Department Federal Law Enforcement Agents	Victims/survivors may disclose sexual violence to: Title IX Coordinator (non-confidential) VP and Dean of Students (non-confidential) Athletic Dept./Coaches (non-confidential) Department of Public Safety (non-confidential) Counseling Services (confidential)
<b>Will there be an investigation?</b>	Determination is made by law enforcement agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision whether to have a criminal prosecution is made by a prosecutor.	Disclosures made to a Confidential Resource will not trigger an investigation. A decision to investigate disclosures made to the Title IX Coordinator and other Non-Confidential Resources will be investigated only if deemed necessary after weighing a request for confidentiality against the continuing safety of the reporter and the safety and best interest of the campus community.
<b>Who Investigates?</b>	Police or law enforcement officials	Title IX Coordinator will coordinate the investigation and notify the Vice President. The investigation will take place with different individuals including, but not limited to, Student Development Staff, Student Conduct Committee (SCC), Administration, Faculty.



<b>Procedures</b>	Governing state or federal law	University policies and Bylaws, which incorporate requirements of governing laws
<b>Standard of Evidence</b>	Crimes must be proven, "Beyond a Reasonable Doubt"	A violation of disciplinary rules must be found by a, "Preponderance of Evidence," which basically means, more likely than not, that it happened
<b>Confidentiality/Privacy</b>	A criminal charge and trial must be public	Alliance University offers confidential resources and disciplinary proceedings are kept as private as possible but pursuant to law. Relevant information must be shared with those involved
<b>Who are the Parties?</b>	The prosecution and the defendant The victim is not a party	The reporting individual (also referred to as the complainant) and the accused (also referred to as the respondent). The university acts as the finder of fact
<b>Participation in the Process</b>	A criminal prosecution can proceed without the participation or cooperation of the reporter but the burden of proof is harder to achieve	Reporting students cannot be required to participate in the University process. The University will be limited in its ability to respond if the reporting individual does not participate
<b>Who Initiates Proceedings?</b>	A prosecutor	The University
<b>Testimony</b>	Generally public. Witnesses/reporters can be cross examined	The University reporter's testimony is private No cross-examination
<b>Role of Attorneys</b>	Both state and defendants are represented by counsel	Parties may be advised by attorneys but can only speak with their client
<b>Mental Health/Sexual History</b>	Generally, but not always, a reporter's prior sexual and mental health history is inadmissible in a criminal case	Generally, not admissible but subject to very limited exceptions. Education Law 129B permits a party to exclude information of their prior sexual history with persons other than the other party. Evidence of mental health history is also excluded in the fact-finding phase of the disciplinary process
<b>Possible Results</b>	Defendant may: -plead guilty -case dismissed -guilty or not guilty by a judge or a jury	If there is a formal proceeding, the respondent may be found "responsible" or "not responsible" for violations of University policy
<b>Sanctions</b>	Fined, imprisoned, or both	Sanctions range from a warning to suspension or expulsion from the University

## **Student Conduct Process**

Any violation of this policy shall result in disciplinary action including, but not limited to, warning, reprimand, probation, suspension, expulsion or dismissal. Retaliation against an individual for bringing a sexual harassment complaint is prohibited by law and will lead to further disciplinary action. Nothing in this policy shall preclude a student from seeking redress through external legal proceedings.

## **University Disciplinary Jurisdiction**

The University may exercise disciplinary jurisdiction over student conduct that occurs on or off university premises and which adversely affects the university community and/or the pursuit of university objectives. The conduct may involve a violation of local, state or federal law or violation of university community expectations and lifestyle expectations. A victim (reporting individual) may file complaints through local law enforcement and/or the university process.

## **Violation of Law and University Discipline**

University disciplinary proceedings may be instituted against a student charged with a violation of law that is also a violation of university lifestyle expectations without regard to pending civil litigation or criminal arrest and prosecution. University disciplinary proceedings may be carried out prior to, simultaneously with, or following any off-campus civil or criminal proceedings.

## **Residence Life Professional Staff**

When the VP and Dean of Students, Residence Director, or Area Coordinator becomes aware of an alleged violation of community lifestyle expectations (via an Incident Report or verbal report), he/she has the opportunity to either meet with the student involved and, if the student is found to be in violation, issue an appropriate sanction, or to forward the case to the Student Conduct Committee (SCC).

Typically, Residence Life Staff (RDs and ACs) will respond to violations of community standards or expectations relating to the residence halls, including, but not limited to, the following:

- Quiet Hours
- Failure to comply with check-in and/or check-out procedures
- Open House
- Roommate mediations
- Curfew
- Missed hall/floor meetings
- Fire safety (including, but not limited to, fire hazards, stacking furniture, not responding to fire alarms, and misuse of fire exit doors.)
- Vandalism, pranks, or hazing
- Entertainment
- Tobacco use in residence halls as well throughout campus
- Disruptive behavior (non-violent)/profanity

Any repeated violation of the above standards will be referred to the Student Conduct Committee. Students who fail to comply with confronting a person and/or sanction imposed by Residence Life Staff may also be referred to the SCC.

## **Student Conduct Committee (SCC)**

The Student Conduct Committee (SCC) will hear cases involving violations of law, repeat violations referred by Residential life, and violations of community lifestyle expectations that occur outside of the residence halls and respond appropriately within the boundaries of due process as outlined in the Student Handbook. All decisions of the committee are considered university responses to violations of community standards.

SCC Members:

- Chief Judicial Officer
- Faculty/Staff Panel

- Students

The Student Conduct Committee is particularly concerned with community standard violations that have a continued negative impact on the university community.

Specific violations the Student Conduct Committee (SCC) will adjudicate, include, but are not limited to:

- Disruptive behavior (violent)
- Trespassing
- Theft
- Violations of social networking policy
- Alcohol possession and consumption
- Drug possession and/or use
- Hate Crimes
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Assault, Sexual Harassment, Date Rape
- Any repeated violations of standards that negatively impact the university community

### ***Notification of Misconduct Hearing for Non-Title IX Violations***

When an SCC hearing becomes necessary, the student accused of the community standard violation(s) shall receive a written notice via Alliance University email specifying the alleged violation(s) as well as the date, time, and place of the hearing. This notice will be given at least two (2) business days in advance of the hearing. If a student who has received appropriate notice fails to appear before the SCC, evidence in support of the violation may be presented and considered even if the student is not present. As all students are responsible to check their emails regularly (see Information Technology Expectations in the Student Handbook), not reading the email notice is not an excuse for not showing up to a hearing. All reasonable effort will be made to schedule the hearing at a time that does not conflict with a student's class schedule. SCC hearings take place on the first and third Thursday of each month (emergency hearings will be called when necessary). However, the student is ultimately responsible for attending the hearing at the scheduled time; absences from class, athletic practice, work, or other activities will not be excused. Decisions can still be determined even if the student fails to show up to his/her hearing.

- To file student conduct charges against the accused. Anyone reporting an incidence of sexual assault, domestic violence, dating violence, or stalking will have the opportunity to complete a Sexual Assault Incident Report and choose whether to have the University investigate the incident and bring student conduct proceedings against the accused. Conduct proceedings are governed by the procedures set forth in the Alliance University Student Handbook located in the student portal as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

### **Employee Conduct Process**

Following the assessment, report, and recommendation of an Investigatory Committee, the administration will consider the presented recommendations and make decisions about employee disciplinary steps. Such disciplinary steps may include further education for an individual, further education for a work group, verbal discussion or counseling, written warning, suspension, demotion, transfer, reduction in salary, or termination.

### **Transcript Notations**

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092 (f)(1)(F)(i)(I)-(VIII), Alliance University will make a notation on the transcripts of students found responsible after a conduct process that they were "suspended after finding a responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from Alliance University while conduct charges are pending, and declines to complete the disciplinary process, Alliance University will make a notation on the transcript of such students that they "withdrew with conduct charges pending."

Appeals seeking removal of a transcript notation for a suspension may be awarded, provided that such notation will not be removed prior to one year after conclusion of the suspension; notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

## Sanctions

The following sanctions can be issued either by In-House Residence Life Staff or the Student Conduct Committee following the conclusion of appropriate protocol.

Alliance University's Community Lifestyle Standards are grounded in the principles of education, personal growth and faith formation – all of which are central to the mission of the University. Discerning and applying appropriate sanctions, with a view toward holistic restoration, helps to hold students accountable to our community standards while promoting their individual growth and learning.

The list below represents a general framework of what sanctions a student could receive for various Code of Conduct violations.

The following variables will be considered in determining the range of sanctions and whether or not additional sanctions may be applied: a student's truthfulness throughout the student disciplinary process, prior disciplinary history, and the severity of the impact of the violation on the community. Students are expected to encourage each other in their adherence to the Code of Conduct; thus, a student who is present but not participating in the misconduct may or may not be held to the same level of sanctions as the participant.

The following sanction list is not exhaustive but serves as a general guide in the student disciplinary process:

- **Written Warning:** A written notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.
- **Probation (Levels I, II or III):** An official notification directing the student to comply with the terms of the probation levels while in general exhibiting good conduct by obeying University rules and regulations during a specified probation period. Further violations and/or failure to comply with sanctions will result in increased Probation Levels, with accompanying sanctions of a more stringent nature.
- **Probation Oversight:** A requirement on the student to meet with Residence Life Professional Staff, the VP and Dean of Students, or the SCC to outline and commit to a Growth Contract. Students must complete the requirements outlined in the Growth Contract by the conclusion of their probationary period in order to avoid additional sanctions.
- **Counseling:** The SCC may decide that a student needs additional counseling and mandate it as a term within the Growth Contract. Upon initial visit to Counseling Service, the student will again be asked to sign the Consent to Release and Obtain Information form (although information discussed with a counselor is confidential, this form is to ensure that the student is in compliance with the Growth Contract).
- **Restitution:** Reimbursement by the student to the University or a member of the University community to cover the cost of damage to or misappropriation of property.
- **On-Campus or Off-Campus Community Service Assignment:** The assignment of tasks or work appropriate to the violation, which will benefit all or part of the University community.
- **Fines:** A monetary assessment that may vary because of the nature and/or frequency of the violation. The type of violation will determine whether the fine is to be paid in cash or placed on the student's tuition bill.
- **Mandatory Alcohol/Drug Evaluation and/or Education:** Mandate students to obtain an Alcohol/Drug Evaluation and/or attend a mandatory Alcohol/Drug Education Workshop.
- **No Trespass and No-Contact Orders:** In addition to No Trespass and No-Contact Orders that may be imposed pending an investigation and/or the resolution of an alleged Community Lifestyle Violation, the University may also impose a No Trespass and No Contact Orders as discipline upon the outcome of an In-House residence life hearing or and SCC hearing.
- **Parental Notification:** The University recognizes each student as a responsible adult. However, in certain cases, the University will require the student to notify his/her parent/guardian regarding his/her alleged participation in a

Community Lifestyle Violation. The University also reserves the right to notify parents/guardians in situations where a student's health or safety may be in jeopardy.

- **Loss of Privileges:** A student's ability to participate in a campus leadership position may also be impacted if a student receives any of the following sanctions as part of disciplinary hearings. (i.e.: residence assistant, Student Government leader, student worship leader, student activities team member, student athlete, study abroad, etc. any role in which a student receives a scholarship to represent the university.)

As a result of noncompliance with either probationary criteria or as a result of violation of community lifestyle expectations a student's housing or commuter privileges could be affected in the following ways:

- **Residence Suspension:** The student will be asked to terminate occupancy of on-campus residence for a specified period of time. The student must remove all belongings from the residence hall within 24 hours of receiving notice, returning all keys to residence life. The student will be obligated to pay the full room and board charge for the semester in which he/she is dismissed. During the suspension, the student will be denied access to all residence hall facilities. After the residence hall suspension period ends, the student is required to return to campus housing and will be billed room and board upon re-registration for classes accordingly. Upon return, the student will not be guaranteed his/her original place of occupancy and the student's seniority and/or priority in the room selection process will be reviewed.
- **Dismissal from University Housing/Loss of privilege to live in university housing:** Students required to live on campus who are dismissed from university housing may be dismissed from Alliance University. Any student dismissed from the residential community prior to the end of the contractual period may be responsible for any remaining monetary charges and become ineligible for reimbursement for any charges already paid. Dismissal from university housing may happen independently of, or in addition to, other sanctions.
- **Dismissal/Permanent separation of the student from Alliance University:** The student is dismissed from the University and is permanently ineligible to re-enroll at the University at any time in the future. When students are dismissed, expelled, or suspended for disciplinary reasons, there will be no refund of tuition or room and board for the semester and all financial assistance for subsequent semesters will be reviewed and are subject to cancellation.
- **Suspension:** Temporary separation of the student from Alliance University for a definite period of time, after which the student is eligible to return without reapplying through the Office of Admissions. If the student is absent for two or more academic years, he/she will be required to re-apply for admission, as is the case for all students. Conditions for readmission may be specified.
- **Interim Suspension:** In certain circumstances, the VP and Dean of Students or designee may impose an interim suspension prior to a disciplinary hearing. Interim suspension may be imposed for any of the following reasons:
  - To ensure the safety and well-being of members of the university community or preservation of university property
  - To ensure the student's own physical or emotional safety or well-being
  - If the student poses a definite threat of disruption of or interference with the normal operations of the University
- **Expulsion:** Temporary separation of the student from Alliance University for a definite period of time, but not less than two semesters, after which the student must re-apply through the Office of Admissions and be granted acceptance before becoming eligible for re-enrollment at the University. Conditions for readmission may be specified, but the student is not guaranteed readmission.
- **Persona Non Grata (PNG):** If a student, guest or visitor has exhibited behavior which has been deemed detrimental to the University residential community the student, guest or visitor will no longer be welcome or permitted to be present on any University owned property. Under no circumstance is a person who is declared Persona Non Grata permitted to be in or around the Alliance University facilities and their surrounding parking lots. If the individual said to be violating this policy is found in or around any of the aforementioned restricted areas, they may be subject to arrest for trespassing.
- **Disciplinary Withdrawal:** Students may seek permission from the VP and Dean of Students to voluntarily withdraw from the University after involvement in a serious violation of university Community Lifestyle Expectations and standards before official disciplinary action is taken. A permanent record will be kept in university disciplinary files. Academic advisors, Residence Life Professional Staff, and parents are normally notified of the reason for withdrawal. Refunds are issued on a prorated basis (please see the catalog for full details). Conditions for readmission may include

a personal interview, counseling, evidence of satisfactory academic work and community contribution at another educational institution, evidence of satisfactory employment, or other conditions.

**NOTE:** Students who have been suspended, withdrawn, or expelled for disciplinary reasons are not permitted on campus without prior approval of the VP and Dean of Students.

## Student Records

Disciplinary sanctions other than dismissal from the University shall not be made part of the student's permanent academic record (except in cases of crimes of violence that meet Clery Act reporting requirements - see Transcript Notification Policy), but shall be retained in the student's confidential record. Except in cases that result in suspension, expulsion, or dismissal, disciplinary actions shall be removed from a student's confidential record three years after graduation.

## Appeals

The University has implemented procedures for student appeals with the intent of assuring fundamental fairness. Students who believe they were not treated fairly in the disciplinary process can submit a written appeal to the Student Life Disciplinary Appeals Committee. The appeal can be emailed to the Appeals Committee at:

[studentlifedisciplinaryappealscommittee@nyack.edu](mailto:studentlifedisciplinaryappealscommittee@nyack.edu).

Student Life Disciplinary Appeals Committee Members:

- VP and Dean of Students
- Faculty Member
- Staff Member

The written appeal must specify grounds that would justify consideration. Written appeals must be submitted within 48 hours of the sanction and the student must leave campus while awaiting outcome of appeal. General dissatisfaction with the outcome of the decision or an appeal for mercy is not an appropriate basis for an appeal. The written appeal must specifically address at least one of the following criteria:

- Insufficient evidence to support the decision
- New evidence or facts not known to the student at the time of the hearing
- Procedural irregularity that undermined the student's ability to present a defense
- Inappropriateness of the sanction for the violation of community lifestyle expectations

Generally, the appeals process does not require a hearing, nor does it require the Student Life Disciplinary Appeals Committee members to make personal contact with the student or the Student Conduct Committee.

The Student Life Disciplinary Appeals Committee may affirm, reverse, or modify the sanction. The Appeals Committee may also return the case to the SCC for further consideration. The decision of the Student Life Disciplinary Appeals Committee will be final and effective immediately. There is no appeal beyond the Student Life Disciplinary Appeals Committee.

Students will receive the final decision from the Student Life Disciplinary Appeals Committee within 48 hours of the Committee meeting. Students are expected to complete the sanctions as outlined by the SCC until they have received notice of granting or denial of appeal.

If an appeal is denied between the fall and spring semester, students must properly check out of their rooms, return their key, and remove all items before the first official day of classes in the spring semester. Failure to comply will result in accumulated room and board charges.

## Authority of VP and Dean of Students

In extraordinary circumstances, the VP and Dean of Students may initiate immediate disciplinary action without referring a student to a disciplinary hearing. Examples of such situations include potentially inflammatory or dangerous circumstances, violations occurring during breaks or vacations, situations involving off-campus parties, and situations where student or victim privacy rights are of particular concern. The VP and Dean of Students will take such action in consultation with appropriate university officials.

## Disciplinary Procedures

The philosophy of discipline for both Alliance University campuses is the same; however, disciplinary procedures may be modified at the discretion of the Dean of Student Life. While the processes may differ in form, the sanctions imposed are considered to be corporate; that is, sanctions imposed for a violation of Community Lifestyle Expectations on the Alliance University campus will be in effect for that same student at the New York City campus. Therefore, during the period of any student's suspension or expulsion, he/she will not be permitted to attend classes on any Alliance University campus.

Students should direct any questions regarding disciplinary procedures to the Office of the Dean of Student Life.

## Options for Confidentially Disclosing Sexual Violence

Alliance University wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual assault, dating violence, domestic violence, or stalking to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

### ■ In this Policy:

- Privileged and Confidential Resources
- Non-Professional Counselors and Advocates
- Privacy versus Confidentiality
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond
- Public Awareness/Advocacy Events
- Anonymous Disclosure
- Institutional Crime Reporting

## Privileged and Confidential Resources

- Individuals who are *confidential* resources will not report crimes to law enforcement or University officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Alliance University, this includes:
  - Counseling Office, Room 020, x6790, (646) 564-6790, <https://www.nyack.edu/site/counseling-services/>
- Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):
  - S.A.V.A. (Sexual Assault Victim Assistance) Division of the Hudson County Prosecutor's Office Call for reporting incidents in Jersey City Available 24 hours including Sundays and holidays 201-915-1234
  - Jersey City Medical Center
    - 355 Grand St, Jersey City, NJ 07302
    - (201) 915-2000
  - NYC Crisis Centers
  - Beth Israel ER/Rape Crisis Intervention & Domestic Violence Program. A survivor of sexual assault may go to any hospital ER for a medical/forensic examination; however, the closest hospital to Alliance University with SAFE examiners (physicians certified in handling cases of sexual assault) is Beth Israel. This hospital is staffed with trained social workers and counselors who provide additional care through the Rape Crisis Intervention Program. The Beth Israel ER is located on First Avenue at 16th Street, New York, NY 10003. General Number: 212-420-2000. Emergency Services: 212-420-2840. Rape Crisis & Domestic Violence Intervention Program Dept. of Social Work, 317 E. 17th Street, New York, NY 10003, 212-420-4516.
- Off-campus healthcare providers

- Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: <https://ovs.ny.gov/system/files/documents/2022/06/ovs-crime-victim-brochure.pdf> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/victim-compensation>. Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him/herself or others and the mandatory reporting of child abuse.
- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.

#### ■ Definitions

- **Advisor:** An individual chosen by the survivor/victim or the responding party to assist them the survivor/victim or the responding party through the University's investigation process. The Advisor may provide private counsel to the survivor/victim or responding party, but may not speak on behalf of the individual.
- **Business Days:** Official working days when the university is open for business; does not include weekends and University recognized holidays.
- **Clergy 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.
- **Clergy Act Crimes of Violence:** Clergy 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.
- **Consent:** *Affirmative Consent* - Alliance University maintains a historic Christian ethic that views any sexual activity outside of marriage between a man and a woman as inappropriate. While the following content is not an endorsement of sexual activity apart from marriage, Alliance University recognizes its responsibility to inform students of the definitions of consensual and non-consensual acts.
- **Higher Education Act 129-B Definition of "Affirmative Consent"**
  - "Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression."
    - Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
    - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
    - Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
    - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
    - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
    - When consent is withdrawn or can no longer be given, sexual activity must stop.
  - **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.
  - **Impact Statement:** A statement drafted by a member of the University community explaining to the University 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. Incapacitation may be caused by lack of consciousness, being asleep, being involuntarily restrained. 19 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
- Title IX: A 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 “no 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 Alliance University employee responsible for ensuring that the University is complying with all Title IX regulations and is charged with the primary responsibility for coordinating the University’s Title IX compliance efforts.

### **Privacy versus Confidentiality: How Alliance University Will Weigh the Request and Respond:**

If you disclose an incident to an Alliance University employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

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

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several university offices, the following office can serve as a primary point of contact to assist with these measures: Student Development, Floor 20, Room 2033, (646)678-6194. We will protect your privacy insofar as it does not impede the necessary accommodations you require. We also may take proactive steps, such as training or awareness efforts to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the University’s failure to act may result in harm to you or other members of the Alliance University community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual assault, domestic violence, dating violence, stalking, or sexual harassment, but wish to maintain confidentiality, Alliance University will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking; the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

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

If you disclose a situation through a public awareness event including candlelight vigils, protests, or other public event, the University is not obligated to begin an investigation. Alliance University may use the information you provide to inform the need for additional education and prevention efforts.

### **Confidentiality and Non-Retaliation**

Publicly available records involving any incidents will protect the identity of all parties involved to the extent permissible by law by referring to parties as “reporting individual 1, reporting individual 2, etc.,” “Witness 1, Witness 2, etc.,” and “Accused 1, Accused 2, etc.”

All allegations of sexual harassment will be taken seriously and thoroughly investigated with appropriate support for and respect of the alleged victim. If it is determined that an intentionally false accusation of sexual harassment has been made, this too will be investigated thoroughly and treated seriously.

**The University prohibits retaliation against persons who in good faith report violations of this policy or cooperates in an investigation. The University also prohibits the filing of knowingly false or misleading reports and providing knowingly false or misleading information in an investigation. Discipline or other action can result from either of these acts in violation of this policy.**

### **Institutional Crime Reporting**

Reports of crimes occurring in Clery geographic locations will be included in the Alliance University Annual Security and Fire Safety Report in an anonymized manner that neither identifies the specifics of the crime nor the identity of the victim/survivor.

Alliance University is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act (FERPA) allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parent’s prior year federal income tax return. Generally, Alliance University will not share information about a report of sexual violence with parents without the permission of the victim/survivor.

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

The health and safety of every student at Alliance University is of utmost importance. Alliance University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Alliance University strongly encourages students to report incidents of sexual violence to campus 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 Alliance University officials or law enforcement will not be subject to Alliance University’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### **Onboarding and Ongoing Education Guide**

Alliance University and Alliance Theological Seminary will continue to educate all new and current students as well as employees, using a variety of best practices aimed at educating the entire university community in a way that decreases violence and promotes a culture where sexual assault and acts of violence are not tolerated.

## *Students*

All incoming students and transfer students will, during the course of their onboarding to Alliance University, receive mandatory training on the following topics, using a method and manner appropriate to the institutional culture of each campus. Student leaders were also added to the list in 2018. Alliance University prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the Institution.

- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, Campus Security, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on reporting individuals (victims/survivors) and their friends and family, and its long-term impact.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
  - How to report sexual violence and other crimes confidentially, and/or to university officials, campus law enforcement and security, and local law enforcement.
  - How to obtain services and support.
  - Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
  - The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
  - Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
  - Consequences and sanctions for individuals who commit these crimes.

Student athletes participate in mandatory training in domestic violence, dating violence, sexual assault, and stalking during the first meeting of the year.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different Alliance University campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. Alliance University will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Alliance University will also share information on sexual violence prevention with parents of enrolling students via the institution's website's Consumer Information page.

Students at Alliance University campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, Alliance University will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Alliance University requires that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:

- Peer educational programs
- Course syllabi
- Institution-wide reading programs
- Posters, bulletin boards, and other targeted print and email materials

- Programming surrounding large recurring campus events
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education
- Outreach and partnering with local business which attract students in order to advertise and educate about these policies
- Campus wide all hall meetings, resident directors will inform residential students on safety, and support services
- Student Activities hosts a self-defense course
- Counseling Services hosts workshops and training
- Residence life hosts programs in the dorms for students on campus
- Bulletin boards in every dorm with information on sexual assault safety awareness
- Counseling Services provides counseling for students who need support

When a student is disciplined as a result of violation of alcohol and drugs, students are put on a growth contract and also must take an online course on alcohol and other drugs prevention on campus.

### **Employees**

The first action of prevention occurs prior to commencement of employment. Applicants are required to complete and sign an employment application acknowledging and indicating agreement with the Alliance University Statement of Faith, core values, and equal employment opportunities. All full-time employees, adjunct faculty, and part-time staff with defined roles, must also have a complete and clear background screening before hire. New employees receive the Employee Handbook and sign that they have read and will abide by the University policies including policies about prevention of harassment and discrimination.

Faculty and Staff training also occurs during the Faculty/Staff Retreat in August before the academic year begins. The Title IX Coordinator presents and reviews all Sexual Assault Prevention and Response policies and procedures with employees. In particular, the presentation includes:

- National statistics about the prevalence of sexual assault.
- Institution-specific statistics from the campus climate survey.
- Federal and state legislation aimed at promoting campus safety.
- Examples of safety concerns and discrimination.
- How to respond to an incident or report.
- On-line location of all related policies and definitions.

In addition, at least annually, targeted training is given to individuals who hold responsibility for ensuring compliance with related federal and state legislations. Some of these targeted trainings include:

- Student Development and Residence Life staff training on Responding to Sexual Assault, Dating Violence, and/or Stalking Victims.
- Student Disciplinary Committee members training on conducting timely and thorough investigations of sexual violence, the effects of trauma, impartiality, and guaranteeing the rights of the respondent.
- Athletic Administrators and Coaches training on institutional policies and processes regarding sexual violence prevention and adjudication and resolution of acts of sexual violence

Methods of training and educating employees may include, but are not limited to:

- Written resources posted around Campus to improve communication including the “Sexual Assault, Dating Violence, Domestic Violence, and Stalking” Brochure and “Nine Things to Know about Title IX” poster.
- Electronic resources include the Dean’s email to all employees about The Student of Concern Committee’s policies and procedures to promote students’ health and safety.

- Workshops and seminars presented by the Office of Student Development and Counseling Services on topics including Safety in Relationships, Self-Defense, Body Image, Healthy Sexuality, and Strengthening Relationships.
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education.
- Online training resources including Title IX for Higher Education, Campus Security Obligations Under Federal Law, and Sexual Harassment Prevention for Employees.

## Legislative Definitions

- “Institution” shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.
- “Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees.
- “Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
- “Code of Conduct” shall mean the written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.
- “Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law, including but not limited to 20 U.S.C. 1092 (f) and 20 U.S.C. 1681 (a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- “Privacy” may be offered by an individual when such an individual is unable to offer confidentiality under law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate Alliance University officials.
- “Accused” shall mean a person accused of a violation who has not yet entered an Institution’s judicial or conduct process.
- “Respondent” shall mean a person accused of a violation who has entered an Institution’s judicial or conduct process.
- “Reporting Individual” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.
- “Sexual activity” shall have the same meaning as “sexual act” and “sexual assault” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3)
- “Domestic violence”, “dating violence”, “stalking” and “sexual assault” shall be defined by each Institution in its Code of Conduct in a manner consistent with applicable federal definitions.
- Note: For a more exhaustive list of definitions including but not limited to FBI’s Uniform Crime Reporting (UCR) Program and (SRS) Summary Reporting System, New York State Education Law Article 129-B, Clery Act, etc. please go to: <https://www.nyack.edu/site/definitions/>

## Hate Crimes

All students, staff, and faculty at Alliance University have the right to live, work, study, and grow in an environment free from all forms of violence, whether physical or psychological. As kingdom people, members of the Alliance University community are responsible to foster this environment by reporting any behavior in violation of this policy immediately to appropriate authorities, including Campus Safety Officers, Residence Life Professional Staff, the VP and Dean of Students’ Office, and/or Human Resources.

Bias-related incidents are behaviors which constitute an expression of hostility, against the person or property of another because of perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. According to New York Penal Law Section 485 and the Clery Act, a person commits a hate crime when he or she commits a specified criminal offense and either:

- intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender or gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender or gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Alliance University is required to report statistical incidence of bias crimes on or around campus annually as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Hate crimes are prohibited, in separate ways, by New York State law and Alliance University policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by Alliance University. The University may pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute. In addition to any criminal penalties, students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures where a range of sanctions is available both up to and including suspension, expulsion or termination of employment.

In order to effectively handle and investigate incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents to the following offices depending on the severity and nature of the offense:

- **Contact the local police department:**
  - NYC 1<sup>st</sup> Precinct (212) 334-0611 and file a police report
- Call Alliance University Campus Safety, x6198 OR (646) 378-6198
- **Residential Students:**
  - Call the VP and Dean of Students x6194 OR (646) 378-6194
  - Counseling Office, Floor LL, Room 020, (646) 564-6790
- **Commuter Students:**
  - Call the VP and Dean of Students x6194 OR (646) 378-6194
  - Counseling Office, Room 020, x6790 OR (646) 564-6790
- **Employees:**
  - Contact Human Resources/Title IX Coordinator x6121 OR (646) 378-6121

Please remember that any evidence such as graffiti, e-mails, written notes or voice mail messages should be preserved. Depending on the severity and offense committed, the appropriate office in conjunction, when applicable, with local authorities will investigate and follow the appropriate university adjudication procedures. Victims of bias crime can also avail themselves of counseling and support services through the Counseling Services or Human Resources.

## Clery Definitions

The following definitions are used for reporting crimes in compliance with 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 Uniform Crime Reporting Handbook (UCR) as required by Clery Act regulations.

**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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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

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

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

**Criminal Homicide - Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, suicides, accidental deaths and justifiable homicides are excluded.

**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.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**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.

**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.

## Hate Crimes

**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.

**Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**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 sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

***Ethnicity/National Origin:*** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

***Disability:*** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

***Gender Identity:*** A preformed negative opinion or attitude toward a group of persons based on their gender identity and biological sex not being congruent; the individuals may identify as transsexual or as another transgender category.

#### **Additional Reportable Offenses if they are Hate Crimes:**

***Larceny-Theft (Except Motor Vehicle):*** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

***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.

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

#### ***Sex Offenses-Forcible***

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

##### ***Forcible Rape***

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

##### ***Forcible Sodomy***

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

##### ***Sexual Assault with an Object***

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia.

##### ***Forcible 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.



***Sex Offenses-Nonforcible***

Incidents of unlawful, nonforcible sexual intercourse.

***Incest***

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

***Statutory Rape***

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

***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.

**Hierarchy Rule:** A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Newly Added Reporting categories: (Campus Sexual Violence Elimination Act (Campus SaVE), March 7, 2013).**

***Domestic Violence:***

- i. A felony or misdemeanor crime of violence committed—
  - a) By a current or former spouse or intimate partner of the victim;
  - b) By a person with whom the victim shares a child in common;
  - c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d) By a person similarly situated to a spouse of the victim under the domestic or 35 family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e) 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.
- ii. For the purposes of complying with the requirements of § 668.46 and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***Dating Violence:*** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. 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.
- ii. For the purposes of this definition—
  - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of § 668.46 and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***Stalking***

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - A. Fear for the person's safety or the safety of others; or
  - B. Suffer substantial emotional distress.
- ii. For the purposes of this definition—
  - A. 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, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
  - B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

## Other Clery Act Definitions

**Business Day:** Monday through Friday, excluding any day when the institution is closed.

**Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

### Campus

- i. 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
- ii. Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) 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).

### Campus Security Authority

- i. A campus police department or a campus security department of an institution.
- ii. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- iii. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- iv. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

### Clery Geography

**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), that is owned by the institution but controlled by another person, (2), that is frequently used by students and supports institutional purposes (such as a food or retail vendor).

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

**Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program:** A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

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

**Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

### **Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

- i. Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—
  - A. 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
  - B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
- ii. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of § 668.46.

**Referred for Campus Disciplinary Action:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of Subpart D of § 668.

- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Test:** Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

### **Definitions from the New York State Education Law Article 129-B**

**Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

**Confidentiality:** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

**Privacy:** May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

**Accused:** A person accused of a violation who has not yet entered an institution's judicial or conduct process.

**Respondent:** A person accused of a violation who has entered an institution's judicial or conduct process.

**Reporting Individual:** Shall encompass the terms victim, survivor, complainant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

## 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 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, shirken, "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 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 are 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.

**Lack of Consent (S 130.05)**

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. *(Eff.11/1/03,Ch.264.L.2003)*

1. Lack of consent results from:
  - a. Forcible compulsion; or
  - b. Incapacity to consent; or
  - c. Where the offense charged is sexual abuse of 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 *(Eff.11/1/03,Ch.264.L.2003)*
  - 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 or deviate sexual intercourse, 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.*(Eff.11/1/03,Ch.264.L.2003)*
2. 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 of the state department of correctional services 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, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates; (ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine-e of the executive law; or (iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law, consisting of providing custody, or medical or mental health services for such inmates; 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; 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 who performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for persons committed to or placed with the office of children and family services and in residential care; 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.*(Eff.11/1/03,Ch.264.L.2003)*
  - 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 New York State Penal Law Definitions (Articles S 120.40 – S 130.96)

#### **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.**

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.

### **S 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 e n g a g e d 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 p r e v i o u s l y 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