



*Annual Security and Fire Safety Report*

*Statistics from the Calendar Year 2016*

*January 1, 2016 – December 31, 2016*



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## **2016 Annual Security and Fire Safety Report**

### **Disclosure**

The SUNY Delhi Annual Security and Fire Safety Report is organized to meet the compliance requirements of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (hereafter referred to as the Campus Safety Act), the Higher Education Opportunity Act of 2008, and the 2013 Reauthorization of the Violence Against Women Act. This report is prepared by the Chief of University Police, the Vice President for Student Life and the Environmental Health and Safety Officer. The report is published annually and made available to all current students, faculty, staff and any prospective students and employees through campus-wide email and the College website. Statistics are also submitted to the United States Department of Education each fall and are available at: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>

Hard copies of this report are available at University Police in North Hall and the report is electronically available on the SUNY Delhi University Police webpage: [www.delhi.edu/campus\\_life/university\\_police/](http://www.delhi.edu/campus_life/university_police/) Click on the Annual Security and Fire Safety report link. Any questions regarding this report should be directed to University Police at 607-746-4700.

Campus crime, arrest and referral statistics include those reported to the University Police, designated campus officials (including but not limited to directors, deans, department heads, designated residence life staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. Counseling, health and pastoral services staff are encouraged to inform their clients of the procedures to report crime to the University Police on a voluntary or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

### **Campus Information and Facility Security**

The information contained in this report is compiled from data for the calendar year 2016 (January 1, 2016 through December 31, 2016). Delhi currently enrolls over 3,600 students at the main campus and through online and off-site programs, representing virtually every county in New York State. Approximately 1650 students live on campus in six residence halls and approximately 120 living in the Riverview Townhouse Complex. Delhi's student body reflects the diversity of New York State.

The campus consists of 625 acres and 44 buildings as illustrated on the College map in Addendum 3. The statistics in this report consist of reported incidents on the campus proper or property immediately adjacent to the College campus.

Students, faculty and staff have access to academic, recreational and administrative facilities on campus during regular hours of operation. The doors of all the residence halls are locked 24 hours a day. Catskill Hall is open Monday through Friday, 8:30am to 4:30pm for those who need access to the Residence Life Office. Each residential student's college issued identification card serves as their card access. Staff members that have a need to access the residence halls (such as University Police, Maintenance staff and Residence Hall professionals) are issued card access to these buildings.

The physical plant department maintains the campus buildings and grounds with a concern for safety and security. Campus facilities are inspected on a regular basis and repairs affecting safety and security are made in a timely manner. If you have concerns about the physical safety of campus buildings and grounds, call the physical plant office Monday through Friday, 7:00am to 4:30pm at 607-746-4010 or call the Residence Hall Director. For emergencies that occur during non-business hours, call the University Police Department.

The college campus is well lit and monthly inspections of exterior lights are conducted. Exterior safety lighting includes high intensity sodium vapor lights on buildings, in parking lot areas, in areas with heavy landscaping and trees, and along pathways frequently traveled by students. In addition to a telephone line in each student's room, there are ten outdoor-blue light emergency telephones strategically located throughout the campus and at the Riverview townhouses. These phones are directly linked to University Police. The

College has a standing Personal Safety Committee consisting of faculty, staff, and students who monitor safety related issues, sponsor programs, make recommendations and issue an annual report.

## **New York State University Police at Delhi**

Campus safety and security is coordinated by the New York State University Police Department, which has a force of ten sworn police officers with full arrest powers, one full-time clerical staff, a parking services attendant, two Security Services Assistants who serve as desk officers and several temporary student clerical workers. As an armed police department, patrol members respond to all emergencies. New York State University Police Officers receive their powers through both the New York State Criminal Procedure Law and the New York State Education Law. Officers conduct foot, vehicle and bicycle patrols on the campus and residence hall areas 24 hours a day, 365 days a year.

The goal of the University Police Department is to provide a safe environment for teaching, research and social endeavors and to protect the lives and property of the students, employees and visitors of the SUNY Delhi campus. This is pursued within the framework of the State University rules and regulations and all local, state and federal laws. Investigation of crimes committed on the campus fall under the jurisdiction of the University Police Department. The University Police Department also works closely with the Delhi Village Police, Delaware County Sheriff's Department, and the New York State Police and assists these outside law enforcement agencies with incidents that may occur off campus but involve campus staff or students. The College has a Memorandum of Understanding with the local Delhi Village Police Department to address law enforcement services, assistance, investigation and back-up in those incidents which fall in both local and campus jurisdictions.

## **Crime Reporting**

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. The on-campus emergency number is 607-746-4700. This number should be used for all fire, medical, safety and police emergencies. All reports are classified, logged and responded to in a timely manner. The off campus emergency number is 911. Crimes in progress and any other emergencies on campus can be reported directly by any student, faculty member, or employee to University Police by dialing 4700 from a campus telephone. 911 can also be reached from on campus telephones. The University Police can also be reached using campus emergency blue light phones. Upon receipt of the call, the University Police Officers are immediately dispatched to the site of the complaint. They prepare and submit incident reports which are kept on file. Members of the campus community can also report criminal incidents to the following offices:

- Vice President for Student Life 607-746-4440
- Director of Judicial Affairs 607-746-4443
- Director of Residence Life 607-746-4630
- Director of Athletics 607-746-4675
- Director of Counseling and Health Services 607-746-4690
- Director of Student Activities 607-746-4565
- Campus Minister 607-746-4239
- Title IX Coordinator 607-746-4495
- Title IX Deputy Coordinator 607-746-4692
- Any Residence Hall Director
- Any Athletic Coach
- Any Student Activities Staff Member

Please note that these offices allow victims and witnesses to report crime on a voluntary, confidential basis. Reports of this nature are filed with the University Police for informational purposes, but there is no formal investigation of the incident. Counselors and pastoral staff who are informed by persons they are counseling of the commission of a crime, are not required to, but if the victim desires, may report the incident to the Office of Judicial Affairs or University Police on a voluntary, confidential basis for inclusion in the College's crime statistics only.

## **Confidential and Anonymous Crime Reporting**

Confidential Reporting Procedures: If you are the victim of a crime and do not want to pursue action within the College Judicial system or the criminal justice system, you can still make a confidential report. With your permission, the University Police 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, University Police can keep an accurate record of the number of incidents involving students, determine whether there is a pattern of crime with regard to a particular location, method, or suspect, and if necessary, alert the campus community of potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

Anonymous Crime Reporting: University Police at SUNY Delhi encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the University Police Department cannot hold reports of crime in confidence. However, individuals can make anonymous reports for purposes of inclusion in the annual disclosure of crime statistics as identified below.

To make an anonymous confidential report call University Police at 607-746-4700 or use the Confidential Tip Link at: [www.delhi.edu/forms/university\\_police/contact\\_us.php](http://www.delhi.edu/forms/university_police/contact_us.php). Any reports made using the tip line are totally confidential.

## **Emergency Response Policies and Procedures and Timely Warnings**

The College's Emergency Response Team is trained in assessing emergency situations, appropriately responding, and initiating necessary communication with those immediately impacted by the event and the greater campus community.

The Chief of University Police, in consultation with the Vice President for Student Life (or designee), is responsible for determining the level of an incident and issuing timely warnings as appropriate. In the absence of the Chief of University Police, the Lieutenants, or the senior officer on duty, respectively, will make appropriate consultations and level determinations. If it is determined that there is a serious immediate threat to the health and safety of the campus community, the emergency response protocol will be initiated immediately. In conjunction with the Communications Department, they will determine the segments of the campus community that must be warned, the message content, and send the emergency notification without delay.

Timely warning notifications for the occurrence of Clery Act Crimes are coordinated by University Police and the College Communications Department pursuant to policies and agreements with local law enforcement agencies and media outlets. These emergency notifications can include activation of the Rave Mobile Safety telephone, text and email notifications system, the campus public address system, the campus voice mail system, the SUNY Delhi web page, digital screens, and notifications through members of the faculty, staff and residence life staff depending on the situation.

Standard notification procedures may be altered if it is the determination of the emergency response authorities, that doing so would compromise efforts to assist a victim, or compromise efforts to contain, respond to or otherwise mitigate the emergency. Subsequent to emergency response notifications, appropriate follow up information and communications will be provided to the campus community through one or more of the communication methods listed above depending on the situation.

SUNY Delhi tests all of its emergency notification systems at least once per calendar year including Rave Mobile Safety, public address system, evacuation procedures, and keeps records of these tests including the description, date, the time of the test and whether the test was announced or unannounced.

The College also sends appropriate Campus Crime Alerts or other Notices for less serious incidents. These are normally sent via campus wide email, posted on the UPD web site, and are often posted in flyers in the residence halls and other campus buildings.

### **Policy on Alcohol and Drugs**

The possession, consumption, sale or transfer of alcoholic beverages by all students (regardless of age) or visitors on College or College Association property is not permitted. Exceptions to this policy apply only to academic programs and functions sanctioned by the College President. An alcohol violation is defined as any violation of college policy or state or local law with respect to possession or use of alcohol or related paraphernalia including disruptive behavior that results from alcohol use. Students should be aware that they may be held accountable for their presence in an area where the campus alcohol policy is in violation.

The possession, use and/or sale or transfer of illegal drugs or controlled substances is prohibited on or off college property. This prohibition applies to the misuse, distribution, sale or transfer of legally obtained prescription drugs. The College will uphold laws currently in effect in New York State. A marijuana violation is defined as any violation of college policy or state law with respect to possession or use of marijuana or related paraphernalia including disruptive behavior that results from marijuana use. Students should be aware that they may be held accountable for their presence in an area where the campus drug policy is in violation

A full description of the college policies relative to alcohol and other drug use is in the Student Code of Conduct, located on the SUNY Delhi Campus Life webpage. Members of the college community who wish to seek assistance with alcohol or other drug issues should contact Counseling Services, which is located in Foreman Hall. A full description of the health effects of alcohol and other drug use as well as local, state and federal penalties associated with drug trafficking and possession can be found in the Student Code of Conduct.

### **Alcohol and Drug Abuse Education Programs**

The College maintains a comprehensive alcohol and drug prevention and education program. A wide variety of educational and prevention programs are provided through the Orientation program, Residence Life Department, Student Activities, the Peer Education program, and the University Police Department. The College's BroncoCHECK program provides education to all new students and student leaders about the importance of intervening with high risk alcohol and drug behaviors. Additionally, all students who violate the college's alcohol and drug policies on or off campus are mandated to attend the college's Decision Making workshop or Social Responsibility Workshop, and are referred to alcohol education and counseling sessions as appropriate. If students have a second violation, they are mandated to the College's comprehensive REWIND educational program.

### **Weapons on Campus**

All weapons are prohibited on campus. Any weapon, including but not limited to, spring-fired, gas-fired, electrically-fired or explosively-fired devices or fire arms, which includes rifles, pistols, BB or Pellet guns, bows, slingshots, "stun-guns", blow guns and/or darts, any ammunition associated with these devices (i.e. paintballs, BB's, pellets, blow gun darts, etc.) or use of any object with intent to harm or intimidate another individual including knives and/or any similar devices are prohibited on campus.

Firecrackers, explosives, explosive ammunition, or dangerous chemicals are also prohibited on campus.

Knives of any sort or sharp tools used for academic purposes and kept in a residence hall or carried anywhere on campus must be kept secure in a locked tool box, trunk or appropriate storage unit. Failure to properly secure these items as specified in the Student Code of Conduct will result in the appropriate campus judicial sanction. A full description of the college policies surrounding weapons and other prohibited items on campus may be found in the Student Code of Conduct.

### **Crime Log**

University Police at Delhi maintains a daily police log written in a form that can be easily understood, recording all crimes reported to the department. The log includes the following information:

- A. the nature, date, time, and general location of each crime; and
- B. if known, the disposition of the complaint.

All entries that are required shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

As a service, a supplemental University Police crime log is also available on the University Police web-site at [http://www.delhi.edu/campus\\_life/university\\_police/](http://www.delhi.edu/campus_life/university_police/). Please note that entries or updates to the supplemental log are generally made within two business days after the event occurs. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. While most events are logged, the Chief of University Police, may determine that an incident be classified as "confidential" in order not to jeopardize a criminal investigation or the identity of a victim.

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

University Police present and participate in crime prevention activities and programs for students, faculty and staff. Specifically, Officers teach Freshmen Seminar classes, facilitate R.A. training programs, engage in off campus housing visits, staff campus safety week information tables and provide faculty and staff training sessions. Programs for prospective students begin with University Police staffing information tables at Open Houses and Accepted Student Day programs. During these visits, students and parents are provided with information regarding personal and campus safety, crime reporting information, confidential tip line options, crime prevention brochures, the University Police escort service and general information regarding the local community environment. Crime statistics are provided via printed hard copies of the Annual Security and Fire Safety Report on request.

University Police Officers participate in R.A. programs in the residence halls on topics which empower students to safeguard themselves and to protect against theft and personal and property crimes. Depending on needs articulated by students, these educational programs include a variety of topics including personal safety awareness and security, BroncoCHECK, alcohol and drug education, rape awareness/sexual assertiveness training, Project ID, silent witness program and anti-theft programs. During Orientation, programs are presented which address sexual assault, fire safety, and other personal safety topics. Students are also informed via the University Police webpage of crime prevention and emergency services available on campus.

The University Police Department co-sponsors the for-credit Rape Aggression Defense class, which is offered each semester. Members of the University Police Department are certified trained instructors and work with the other trained instructors from the Student Life Division.

A University Police Officer serves as the Co-Chair of the Personal Safety Committee that addresses issues, concerns and projects relating to personal safety throughout the campus. The Personal Safety Committee publishes an annual report of its recommendations and findings to the campus community

It is important for each member of the campus community to secure valuable belongings and to be aware of one's surroundings. Educational programs, seminars, videos, posters, brochures, student newspaper articles, and safety messages are ongoing and address: personal safety issues including rape/sexual assault, substance use/abuse, importance of locking doors and windows, "buddy" systems and fire and property safety.

Important information about safety can be found by clicking the following links:

[Personal Safety Tips](#)

[BroncoCHECK](#)

[Emergency Services and Crime Reporting](#)

[Title IX](#)

[Project ID](#)

[Judicial Affairs](#)

[Student Code of Conduct](#)

## **Criminal Activity Off Campus**

When a SUNY Delhi student is involved in an off-campus offense, campus police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. The Village of Delhi Police work closely with University Police Officers on any serious incident occurring on-campus or in the immediate neighborhoods and business areas surrounding campus. While the Delhi Village Police have primary jurisdiction in all areas off campus, University Police Officers can and do respond to student-related incidents that occur in close proximity to campus. University Police Officers have direct radio communications with the Delhi Village Police, Delaware County Sheriff's Department, and 911 Delaware County Dispatch to facilitate rapid response in any emergency situation.

Criminal activity at off-campus apartments or houses owned or controlled by recognized student organizations are monitored by the University Police Department in cooperation with the Village of Delhi Police Department, Delaware County Sheriff's Department, and the New York State Police. These agencies may also assist the University Police Department with investigations as warranted. An annual request is made to the Village of Delhi Police Department for statistics of crimes which are reported on public property immediately adjacent to campus property.

Students should be aware that they are held accountable for any criminal activity or any violation of the Student Code of Conduct which occur off-campus.

## **Campus Crime Statistics**

In accordance with recent updates to the Campus Safety Act the statistics of reportable crime activity both on campus and on streets adjacent to campus property (public property) are attached in Addendum 1 at the end of this report. Reportable on-campus offenses include all offenses reported on campus property and in campus buildings. A specific breakdown of offenses occurring in university owned residence halls appears under "residence halls" or "other student residences." This information is also available online at: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>.

## **Public Property Description**

Public property includes thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus. These locations were used in preparing data about selected crimes for the "Adjacent Public Property" section of this report. These incidents/arrests occurred on property adjacent to campus. The subjects involved in these cases may or may not have been affiliated with SUNY Delhi. As part of the Jeanne Clery Act, Colleges are required to report the above listed crime statistics that occur on property adjacent to the College campus. For example, if a local law enforcement agency stops a vehicle on a street adjacent to campus and makes an arrest for drugs, that arrest would count as a statistic for a drug arrest occurring on public property in our records. If you have any questions about this chart or the Annual Security and Fire Safety Report, please call University Police at 607-746-4700.

## **Hate Crimes**

As required by the Campus Safety Act, SUNY Delhi is required to report hate and bias related crimes in this report. For this reporting, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, gender identity, age, national origin or disability. For the calendar year 2016 there were no offenses that were classified as hate crimes.

The crimes presented are based on reports filed with the following office/individuals: University Police, Vice President of Student Life, Director of Judicial Affairs, Director of Residence Life, Director of Counseling and Health, Director of Athletics and other campus reporting authorities. The definitions of



these offenses are defined in the "Uniform Crime Report" and the "Crime Awareness and Campus Security Act". The web address of the "Campus Awareness and Campus Security Act" appears in the addendum section of this report.

Hate Crimes as reported to the U.S. Department of Education for the reporting period are shown below. **No hate crimes were reported to campus reporting authorities or University Police during the 2016 reporting period.**

## **Security in the Residence Halls**

The Residence Life Department is committed to providing a safe environment in the residence halls. Students are made aware of health and safety concerns as well as tips on prevention through brochures, pamphlets, floor meetings and presentations. While there are many safeguards in place, each student must do her/his part to assure a safe and secure building by adhering to the safety-related policies and procedures. Each residential student's college issued identification card serves as their card access to the exterior Residence Hall doors, and Catskill exterior suite doors. Each residential student is issued a key for their Residence Hall bedroom door. Each residence hall is supervised by a full-time Residence Hall Director.

The Residence Hall Director is the professional staff member who lives and works in the hall. On each floor, there is a student Resident Assistant who has received extensive training in many different aspects of residence hall living. The Residence Hall Directors and Resident Assistants undergo training in the enforcement and identification of residence hall security and safety issues. There is a Residence Hall Director on duty for the entire campus from 5:00pm to 9:00am, Sunday through Thursday, and 24 hours on the weekend, every day that the college is in session. Additionally, each residence hall R.A. office is open from 8:00pm to 12:00am Sunday through Thursday, and 9:00pm to 2:00am on Friday and Saturday nights. There are also night hosts assigned to monitor access of residents and their guests in the residence halls during evening hours Thursday through Saturday nights.

Students should not assume that crime cannot occur in their seemingly safe environment. SUNY Delhi is committed to maintaining a safe environment where students, faculty and staff can work and live together free of all forms of harassment, violence or fear. The College judicial system is used to correct any type of problem behavior, or in extreme cases, to remove the offending individual from the campus community. Any student with concerns about harassing behavior should contact their Residence Hall Director, University Police, Director of Judicial Affairs or the Counseling and Health Center. Allegations will be treated very seriously and will be investigated in a timely fashion.

## **Judicial Affairs Procedures**

Procedures and possible sanctions related to on-campus discipline can be found in the Student Code of Conduct. Victims of any crime should contact the Judicial Affairs Office at 607-746-4443 for additional assistance. The Student Code of Conduct, contained in the Student Handbook and Planner, outlines the procedures that can occur if a victim decides to report an incident. Professionals in the Judicial Affairs Office and the Counseling and Health Services Office will assist the student victim in notifying appropriate law enforcement authorities, if the student requests the assistance of these personnel. The Student Code of Conduct is also online at: [http://www.delhi.edu/campus\\_life/pdfs/code-of-conduct.pdf](http://www.delhi.edu/campus_life/pdfs/code-of-conduct.pdf).

Both the accuser and the accused will be informed of the outcome of any campus disciplinary action that is brought alleging a violent crime or sex offense. Any violent crimes are considered serious and warrant severe disciplinary action, including suspension or expulsion from the institution. The standard of evidence in these cases is preponderance of the evidence following an allegation or report of one of these crimes. The institution will provide protective measures to victims/survivors such as no-contact orders, and alternative living, academic or work arrangements as needed.

## **Sexual Crimes Information**

Rape and sexual assault, such as sexual abuse and sodomy, constitute serious crimes. Such behavior is prohibited by New York State law (see Article 130 of the New York State Penal Law) and the Student

Code of Conduct. The College strongly condemns sexual violence and sexual harassment in any form. A statement of the College's Policy on sexual violence is described in the Student Code of Conduct. Allegations of sexual violence or sexual harassment should be reported immediately to the University Police Department at 607-746-4700, Counseling and Health Services in Foreman Hall at 607-746-4690, Judicial Affairs at 607-746-4443, the Title IX Coordinator at 607-746-4495 or the Title IX Deputy Coordinator at 607-746-4692.

Efforts will be made to ensure the confidentiality of all reports, except as necessary and required to investigate the alleged offenses. College authorities may issue a safety alert to those areas of the college community affected by the crime. The issuance of this alert will depend on the particulars of the crime. Victims who provide information to University Police may choose either criminal prosecution and/or a referral to the campus judicial system.

Allegations of sexual assault or rape occurring off campus should be reported to the Delhi Village Police at 607-746-2336 or 911. Other local agencies may be of assistance including the Delaware County Safe Against Violence Hot Line at 1-866-457-7233 and the Mental Health Clinic at 607-865-6522. Institutional personnel will assist the student in notifying appropriate authorities or agencies if the student requests the assistance of these personnel.

## **Title IX Compliance**

SUNY Delhi's policies are in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to either the Title IX and Section 504 Coordinator, Director of Employee Relations and Affirmative Action, 103 Bush Hall, SUNY Delhi, 454 Delhi Drive, Delhi, New York 13753; phone: 607-746-4495 or Lori Osterhoudt-Director of Counseling and Health Services/Title IX Deputy Coordinator, 114 Foreman Hall, SUNY Delhi, 454 Delhi Drive, Delhi, New York 13753, Phone: 607-746-4692, Email: [osterh1b@delhi.edu](mailto:osterh1b@delhi.edu). Ms. Osterhoudt can be contacted afterhours through the University Police Department at 607-746-4700.

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. 646-428-3800; Email [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov). Crime Statistics – A written copy of the SUNY Delhi Annual Campus Security and Fire Report will be provided upon request by University Police, or the Vice President for Student Life. Information can also be obtained from the SUNY Delhi University Police website: or at the U.S. Department of Education website at: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>.

## **Sexual Assault Prevention and Response**

SUNY Delhi educates the campus community about sexual assault prevention through a comprehensive series of educational programs that begin with a mandatory presentation for all new students during New Student Orientation. All new students are trained in BroncoCHECK, a campus bystander intervention program and receive the Sexual Violence, Sexual Harassment, Domestic Violence & Stalking Prevention Information & Support Services brochure, which can be found on the Judicial Affairs webpage at: [http://www.delhi.edu/campus\\_life/judicial\\_affairs/index.php](http://www.delhi.edu/campus_life/judicial_affairs/index.php). All student leaders and student athletes are also trained on these issues and are provided the same information.

In addition, Counseling and Health Services staff and Peer Educators offer sexual assault prevention programs to students and employees throughout the year. These programs empower students, staff, faculty and other participants with knowledge and skills regarding preventing and responding to sexual assault and dating violence. Literature on sexual assault prevention and risk reduction, is available through the

Counseling and Health Services, University Police, and Residence Life Departments. Counseling and Health Services staff information tables during Accepted Student Days and Open Houses providing students, parents and visitors with information regarding Sexual Assault Prevention and Awareness programs that are provided on campus. A for credit Rape Aggression Defense Course is offered to students each semester.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment immediately. The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Upon receiving a report of an incident, University Police will immediately begin the process of ensuring the victim's personal health, safety and wellbeing along with sharing victim support services information. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to University Police and/or to a residence life staff member. Filing a police report with a University Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests.
- Provide the opportunity for collection of evidence helpful in prosecution if necessary, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
- The victim of sexual assault may choose for the investigation to be pursued through the criminal justice system and Judicial Affairs, or only the latter. A College representative will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the College through the Counseling Services, Campus Ministry, and support services outside the College system can be obtained through the Safe Against Violence Program in Delhi.

College disciplinary proceedings, as well as guidelines for cases involving sexual violence, are detailed in the Student Code of Conduct. The Code provides, in part, that the accused and the victim will each be allowed to choose representation to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found responsible for violating the College's sexual violence policies will be sanctioned with suspension and/or expulsion from the College. Any student suspended and/or expelled from the College will be subject to the Transcript Notation Policy.

**More information about Sexual Assault Prevention and Response is available online at:**

[Counseling & Health Services](#)

[University Police](#)

[Judicial Affairs](#)

[NYS Bystander Intervention, Prevention, and Education](#)

[BroncoCHECK](#)

[Title IX](#)

## Sexual Violence Victim/Survivor Bill Of Rights

[For more information visit: www.delhi.edu/titleix/](http://www.delhi.edu/titleix/)

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

- Have disclosures of sexual violence treated seriously.
- Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials.
- Be treated with dignity and to receive from college officials courteous, fair, and respectful health care and counseling services.
- Be free from any suggestion that the victim/survivor is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crime.
- Describe the incident to as few individuals as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the College, the accused, their friends, family and acquaintances.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.

**Victims/survivors 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.
  - Confidential resources include licensed counselors on and off campus, medical professionals on and off campus, and the clergy. Individuals who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. If in doubt about confidentiality, ask.

**Resources on and off campus:**

- Counseling & Health Services, Foreman Hall-SUNY Delhi - 607-746-4690
- O'Connor Hospital, 460 Andes Road, Delhi - 607-746-0300
- Safe Against Violence, 35430 State Route 10, Hamden - 866-457-7233 or 607-746-6278
- University Police Department, North Hall-SUNY Delhi - 607-746-4700
- Judicial Affairs, 127 Bush Hall-SUNY Delhi - 607-746-4443
- Title IX Coordinators – 607-746-4692 or 607-746-4495
- Delhi Village Police Department, 9 Court St., Delhi - 607-746-2249
- Delaware County Sheriff, 280 Phoebe Lane, Delhi -607-746-2336
- New York State Police, 199 Oneida St., Oneonta - 607-432-3211

### **Amendment to New York State's "Megan's Law"**

Effective July 1, 2002, an amendment to New York State's Sex Offender Registration Act, commonly known as "Megan's Law", directs the Division of Criminal Justice Services (DCJS) to notify State University of New York Police Departments if a registered sex offender enrolls at or is employed by the SUNY campus. Under this law there are three levels of risk, based on an offender's risk of re-offending: Level 1 (low), Level 2 (moderate) and Level 3 (high). As a general rule, the sentencing court will determine an offender's risk level at the time of sentence (in probation cases) or when the offender is released from custody (in jail or prison cases). All sex offenders must register annually for a period of at least 10 years. Offenders who are classified as "high risk" (Level 3) must register for life unless judicially relieved of that obligation and also must personally verify their address with local law enforcement every 90 days.

If Delhi receives notice of a Level 3 (high risk) sexual offender on campus from DCJS, the campus community will be notified that a sexual offender is on campus and the level of risk assigned to the offender by the courts. The information will be disseminated to the campus by the following means:

- e-mail notices will be sent to all students, faculty and staff
- a notice will be placed on the University Police website

Information on any DCJS notice received by the college will be available at University Police Department, North Hall, or posted online at [http://www.delhi.edu/campus\\_life/university\\_police/index.php](http://www.delhi.edu/campus_life/university_police/index.php).

## **Sex Offender Registry Information**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University Police is providing a link to the New York State 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.

In the State of New York, anyone found guilty of sex crimes (such as rape, sexual abuse) must register with the Sex Offender Registry maintained by the New York State Division of Criminal Justice Services. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

The web-site for the NYS Sex Offender Registry is: <http://www.criminaljustice.ny.gov/nsor/index.htm>.

## **Policy Regarding SUNY Delhi Missing Students Who Reside On Campus**

The Higher Education Opportunity Act of 2008 (HEOA) requires that the College establish a Missing Student Notification policy and develop other relevant and related procedures for students living in the residence halls.

SUNY Delhi provides all on-campus resident students the opportunity through the Housing Management System to identify an individual to be contacted within 24 hours should the student be (reported) determined missing. The name and contact information of this individual will remain confidential and will only be available to the Chief of University Police, Director of Residence Life, Vice President of Student Life, (and/or) their designees, and law enforcement officials as necessary.

Any report of an on-campus resident student who is believed to be missing should be filed in person immediately with the University Police Department located in North Hall or at 607-746-4700.

Upon receiving the report of a missing student, University Police will immediately begin conducting an investigation to determine whether the student is actually missing.

Within twenty-four hours of receiving the missing student report, the Chief of University Police or designee will notify the student's confidential contact. If the student is under the age of 18 and not emancipated, the Chief of University Police or designee will notify the custodial parent, guardian or any other person designated as a contact of record within twenty four hours of determining that the student is missing. In addition, and regardless of whether a contact person is identified or whether the student is 18, the Chief of University Police or designee will contact the local law enforcement agencies having jurisdiction in the area within 24 hours.

In accordance with the procedures established under this policy, the University Police Department at SUNY Delhi shall conduct a thorough investigation regarding the student reported missing and within 24 hours will notify, cooperate and share information with other local law enforcement agencies to further the investigation.

## Criminal Offense Definitions

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the national incident-based reporting edition of the Uniform Crime Reporting handbook. The complete list and explanation of offenses are listed here: <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/offense-definitions>

- **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.
- **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.
- **Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** - An unlawful attack by one person upon another which causes serious bodily injury. This type of assault is usually 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.)
- **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 attempt to commit any of the aforementioned.
- **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.)
- **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.
- **Drug Abuse Violations** – Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroine, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Liquor Law Violations** – The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## Sex Offenses

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.

- **Rape** – The carnal knowledge of a person, forcibly and/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).
- **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.
- **Aggravated Sexual Assault** – 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.

- **Sexual Abuse** – The touching of the private body parts of another person for the purpose of sexual gratification, 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 incapacity.
- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Fondling** – The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

## **Local Emergency Telephone Numbers**

Delhi Village Police.....607-746-2249  
 Delaware County Sheriff. ....607-746-2336  
 New York State Police-Oneonta.....607-432-3211  
 Fire Emergency.....607-746-2222  
 Delhi Ambulance.....607-746-2200  
 Safe Against Violence .....607-746-1720  
 Rape Crisis Hotline .....866-457-7233 (toll free hot-line)

## **Violence Against Women Reauthorization Act Policies (VAWA)**

In March 2013, President Obama signed into law the Violence Against Women Reauthorization Act (VAWA) which imposes new obligations on colleges and universities under its Campus Sexual Violence Act (SAVE Act). In its efforts to create, foster and support an environment in which any form of violence is not tolerated, SUNY Delhi campus policy encourages every member of the campus community to report a crime promptly to University Police if the victim wants to or is unable to report.

### **College Response to Reports of VAWA Crimes**

The College has programs to prevent domestic violence, dating violence, sexual assault, and stalking. When an incident of domestic violence, dating violence, sexual assault, or stalking is reported, the College will provide victims with written notice of available options, remedies, and services. If the accused individual is a student, the standard of evidence used in an institutional disciplinary hearing will be preponderance of the evidence.

### **Educational Programs to Prevent Violence Against Women**

The College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs include: a statement that these crimes and behaviors are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College's jurisdiction; safe and positive bystander intervention when there's a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures.

### **Sanctions for VAWA Crimes**

The institution treats any instance of sexual violence including rape, acquaintance rape, dating violence, domestic violence, sexual assault or stalking, severely. If a student is found responsible for any of these crimes, they will face severe disciplinary action from the institution, including no-contact orders, suspension and/or expulsion. Procedures are in place to provide protective measures for victims or persons reporting these incidents. For more information refer to the Student Code of Conduct.

### **Resources for Victims/Survivor of VAWA Related Crime and Incidents**

Survivors/victims of these crimes will be provided written information about evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the victim chooses, as well as the option to decline to notify authorities. Victims/survivors will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options.

**Evidence Preservation:** In order to best preserve evidence, victims should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter their physical appearance until after a physical exam has been completed.

#### **Victims Should Report Crimes or Incidents to:**

University Police – North Hall	607-746-4700
Counseling and Health Services – Foreman Hall	607-746-4690
Campus Judicial – Bush Hall	607-746-4440
Title IX Coordinator – Bush Hall	607-746-4495
Title IX Deputy Coordinator – Foreman Hall	607-746-4692
Residence Life Office – Catskill Hall	607-746-4630
Any Residence Hall Director – Any Residence Hall	
Any Athletic Coach – Clark Field House	
Any Student Activities Staff Member – Farrell Center	



**Off Campus Reporting Resources include:**

Delhi Village Police	607-746-2249
Delaware County Sheriff	607-746-2336
New York State Police-Oneonta	607-432-3211
Safe Against Violence	607-746-1720
Rape Crisis Hotline	866-457-7233 (toll free hot-line)

Survivor/Victims have the right to notify on or off campus law enforcement. Campus personnel will assist in notifying law enforcement as requested. Survivors/victims also have the right to choose to decline to notify law enforcement authorities.

## **Institutional Disciplinary Procedures in Cases of VAWA Related Crimes and Incidents**

The institutional disciplinary procedures will provide a fair, prompt, and impartial process from investigation to final result. The investigation and any hearing will be conducted by those who receive annual training on issues related to VAWA crimes, how to conduct an investigation, and a hearing process that protects victim safety and promotes accountability.

Parties are entitled to the same opportunities to have an advisor of their choice present at any hearing and related meetings. There is no limit to the choice of an advisor; however, the parties are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee during the proceeding, and cannot present evidence or cross-question witnesses. Parties will be informed simultaneously in writing of the outcome of the process, the availability of any appeal procedures, and when the results become final after any appeals.

The disciplinary processes available for victims of domestic violence, dating violence, sexual assault, and stalking are described in Section XXIII of the Student Code of Conduct. These disciplinary procedures include the Policy for Alcohol and Drug Use Amnesty, the Burden of Proof, Protections and Accommodations, the Student Conduct Process, Retaliation, and Appeals, and are excerpted below.

### **XXIII. Disciplinary Procedures for Allegations of Sexual Violence**

Cases of alleged sexual violence including rape, sexual assault, sexual abuse, sexual harassment, dating violence, domestic violence, and stalking are covered by the procedures listed below, and are defined in Section XXXI-Definition of Terms.

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

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Delhi 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. SUNY Delhi strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY Delhi officials or law enforcement will not be subject to SUNY Delhi'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.

#### **B. Burden of Proof**

The burden of proof in all student conduct cases is the preponderance of the evidence, which means it is deemed "more likely than not" that the specific policies were violated. If the evidence presented is deemed to meet this standard, then the accused is found responsible.

#### **C. Protections and Accommodations**

1. When the accused is a student, to have the college issue a "No Contact Order," consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a

prompt review of the need for and terms of a No Contact Order, consistent with SUNY Delhi's policy. Parties may submit evidence in support of their request.

2. To have assistance from the University Police Department or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

3. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

4. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

5. To have assistance from University Police 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 University Police or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.

6. 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.

7. When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Delhi policies and rules.

8. When the accused is not a member of the college community, to have assistance from the University Police Department or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.

9. 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. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. 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:

- Judicial Affairs Director, Bush Hall 127, 607-746-4443
- Title IX Coordinator, Bush Hall 103, 607-746-4495
- Title IX Deputy Coordinator, Foreman Hall 114, 607-746-4692

#### **D. Student Conduct Process**

1. To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Student Handbook at [www.delhi.edu/campus\\_life/pdfs/planner.pdf](http://www.delhi.edu/campus_life/pdfs/planner.pdf) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

2. Throughout conduct proceedings, the respondent and the reporting individual will have:

a. The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;

b. The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of 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.

c. 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.

d. The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.

- e. 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.
- f. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Delhi).
- g. The right to present evidence and testimony at a hearing, where appropriate.
- h. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- i. The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- j. 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.
- k. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- l. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.
- m. 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.
- n. Access to at least one level of appeal of a determination before a panel which includes the College President, the Provost and the Vice President for Business & Finance, or their designees that is fair and impartial and does not include individuals with a conflict of interest. The decision of the appeal panel is final.
- o. 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.
  - Judicial Affairs Office, 607-746-4443, Bush Hall 127, 454 Delhi Drive, Delhi, NY 13753
- p. The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- q. The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

#### **E. Retaliation**

The act of retaliation and/or assisted retaliation against any individual including but not limited to students, college officials, faculty, residence hall staff, University Police, Title IX complainants or witnesses is strictly prohibited.

#### **F. Appeals**

After receiving notice of the disciplinary hearing decision, both the complainant and accused student, in cases of sexual harassment and sexual violence, dating violence, domestic violence and stalking, may request an appeal within 5 business days upon receipt of the original disciplinary decision. Appeals must be based on violations of due process procedure, new evidence or a lack of substantial evidence to support the original decision. The non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party's appeal within 5 business days of notice. Both the appeal and response will be considered together by the appeals officer. The decision of the appeal officer is final.

Individuals may contact the Office of Judicial Affairs at 607-746-4440 to request further information regarding the campus judicial process.

### **Confidentiality**

The institution will maintain as confidential any accommodations or protective measures provided to the victim/survivor so long as it does not impair the ability to provide such measures. Personally identifiable information about survivor/victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics.

## Written Notifications Regarding VAWA Crimes and Incidents

The College will provide written notification to students and employees about existing and available counseling, health, mental health, victim advocacy, legal assistance, and other services available in community and on campus to victims of dating violence, domestic violence, sexual assault, and stalking.

For survivors/victims of domestic violence, dating violence, domestic violence, the College will provide written notification regarding rights and options, including: available and existing on- and off-campus services such as victim advocacy, counseling, health, mental health, legal assistance, available and applicable institutional disciplinary procedures, and an explanation of those procedures; confidentiality in protective measures and Clery reporting and disclosure; and reasonable and available options and assistance with changing academic, living, transportation, and working situations, regardless of whether the victim chooses to report the crime to law enforcement.

## VAWA Definitions

**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.

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

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

**Stalking** is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else.

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Family or Household Member:** Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; any other category of individuals deemed to be a victim of domestic violence as

defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

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

# **Fire Safety Annual Compliance Report**

## **Statistics Compiled from Calendar Year 2016**

### **Overview**

The Higher Education Opportunity Act (Public Law 110-315) became law in August, 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to the SUNY Delhi Campus.

### **General Statement of College Owned/Controlled Student Housing**

Residential buildings are completely covered by an integrated automatic fire alarm system, which is monitored 24 hours/day, seven days/week. These buildings have a battery backup that will operate life safety systems including all fire safety equipment, hallway lighting, emergency lighting and lighting in all emergency exit stairwells. If there are any problems with or within the emergency life safety systems, a fire watch patrol is instituted until the problem is rectified. All hall residents (including those with special needs) and residence hall staff receive fire safety training at the beginning of each semester. In addition, a quality control program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each respective residence hall. Emergency evacuation maps are installed in the corridors to direct occupants to primary and secondary exits. Fire drills are conducted each semester in coordination between the Campus Environmental Health and Safety Coordinator and the University Police Department. Each Residence Hall is required to have an annual fire safety inspection conducted by a New York State certified Fire Marshall.

### **Specific Fire Prevention Related Policies**

It is the policy of the College to provide students, faculty, staff and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the Fire Prevention Program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency. This goal is accomplished by:

- (1) conducting periodic fire safety inspections of all College buildings,
- (2) increasing the fire safety awareness of employees and students by conducting periodic training on basic fire safety, and
- (3) conducting third party fire safety inspections and training by the New York State Office of Fire Protection and Control.

Regarding Fire Safety Inspections, fire and life safety features of the buildings shall be in compliance with all applicable standards of the National Fire Protection Association (NFPA) as adopted by the New York State. The Office of Environmental Health and Safety assists the State Fire Marshall in conducting fire safety inspections and conducts fire drills of all campus buildings. Some buildings may be inspected more frequently as deemed necessary. A copy of the completed Fire Inspection is posted in each building. SUNY Delhi continues to be proactive with respect to fire safety. Basic fire safety instruction is provided to all students living in the residence halls who attend the orientation program at the beginning of each academic year.

The Environmental Health and Safety Coordinator will coordinate with University Police and the Delhi Village Fire Department in the investigation of each reported fire incident. To minimize the potential for fires, it is the policy of the College to prohibit open burning and the use of combustible decorations at all times (unless in accordance with other College policies and procedures, and or authorized by the Authority Having Jurisdiction). Open burning as defined by the College is any open/exposed flame or combustion that produces heat, light or smoke, and has the potential to cause a fire. The use of space heaters is prohibited in any space on campus.

## Residence Halls Fire Safety Standards

1. In accordance with the Uniform Fire Code for the State of New York, the Office of Fire Prevention Control (OFPC) will conduct an annual fire safety inspection of the residence halls. During these inspections, students' rooms may be opened and visually inspected for hazardous conditions. Students found in violation of campus fire safety policies will be held accountable through the campus judicial process. In addition, OFPC can levy fines for violations of the State fire code.
2. Know the location of all fire exits, fire alarm pull stations and fire extinguishers on your floor.
3. Every student must evacuate the building by the nearest marked exit during fire drills and alarm activations.
4. Wastepaper baskets and trash cans should not be used as ashtrays. Please use proper receptacles when disposing of lit smoking materials.
  - \* **Remember: there is no smoking, or vaping in the residence halls or any campus building.**
5. Do not take chances with fire. Even a small fire can get out of control. If a fire should occur, activate the fire alarm by pulling the nearest manual fire alarm pull station.
6. Cooking in student rooms is prohibited. Cooking appliances are also prohibited, including but not limited to: hotplates, George Foreman grills, rice cookers, coffee pots and/or anything that boils water.
7. Candles, incense, flame-emitting and/or open element appliances, halogen lamps, extension cords and any unsafe or defective equipment deemed a fire hazard in accordance with the New York State Office of Fire Prevention and Control are prohibited.
8. Giving false alarm of fire, tampering with fire protection equipment or any fire alarm device (e.g., pull station, smoke detector, heat sensor, etc.) is prohibited.

## Fire Evacuation Procedures

At the first indication of a fire, whether it is a persistent smoke or fire alarm, follow the procedure below.

### If You See a Fire

- Leave the area immediately.
- Immediately contact University Police or call 911 from the nearest phone or cell phone.

### When the Fire Alarm Sounds

- Always assume there is a fire. Don't ignore it.
- If time permits, take a jacket and shoes, and a towel to cover your face.
- Stay low and crawl to your door. Smoke fills a room from the ceiling down.
- Test the door with the back of your hand.
- If the door is hot, keep the door closed and stay in the room.
- If the door is cool, open it slowly. Walk quickly and calmly to the ground level, closing all doors behind you. Do not use an elevator. An elevator may open at a floor on fire or stop working, trapping you inside.
- If there is smoke in the hallway, crawl to the stairs. Count the doors as you go so you do not get lost. If the smoke and heat are too great, try an alternate escape route. If both escape routes are blocked, return to your room.

### If You are Trapped Inside Your Room

- Close the door between you and the fire.
- Stop up cracks and vents to keep smoke and toxic gases out.
- Put a wet cloth over your nose and wait at a window.
- Open the window a few inches for fresh air. Do not break the glass.
- Hang a sheet or some other article out your window to signal the fire department.
- Do not panic. Do not jump. Wait for help.

### Once You Have Evacuated the Area

- Notify civil authorities of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (e.g. wheelchair users or someone under the influence of alcohol or drugs).
- Do not reenter the building until you are told to do so by civil authorities.

### If Your Clothes Catch Fire

- Stop, do not run.
- Drop to the ground or floor immediately and cover your face with your hands.
- Roll over back and forth to smother the flames.

Residential Facilities	Fire Alarm Monitoring Done by Campus Fire Alarm System	Partial Sprinkler System	Full Sprinkler System	Room Smoke Detection Hard Wired	Fire Extinguisher Devices	Evacuation Plans	Number of evacuation (fire drills) each calendar year
Dubois Hall	X	X		X	X	X	4
Gerry Hall	X	X		X	X	X	4
O'Connor Hall	X	X		X	X	X	4
Murphy Hall	X	X		X	X	X	4
Russell Hall	X	X		X	X	X	4
Riverview Townhouses	X		X	X	X	X	4
Catskill Hall	X		X	X	X	X	4



## Addendum 1 Campus Crime Statistics

The following statistics were reported to the US Department of Education as required. This information is also available online at: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>

	On Campus			On-campus Student Housing Only			Non-Campus Buildings			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	1	2	0	0	2	0	0	0	0	0	0
Fondling	0	2	1	0	2	1	0	0	0	0	0	0
Sex offenses – Forcible	4	-	-	1	-	-	0	0	-	0	0	-
Sex offenses –Non-forcible (incest and statutory rape)	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0	1	0	0
Burglary	9	5	9	9	4	8	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

When a hate crime is reported, it will be labeled with the following categories of prejudice: R=race; G-gender; REL=religion; SO=sexual orientation; GI=gender identify; NO=National Origin, E=ethnicity; and/or D=disability. In addition to the criminal offenses listed on the chart, the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, vandalism of property, making graffiti, or any other crime involving bodily injury. There were no hate crimes reported for the years 2014, 2015 and 2016 for the categories On Campus, On Campus Student Housing Only, Non Campus Buildings and Public Property.

Statistics	On-campus Arrests			Arrests – On-campus Student Housing Only			Student Conduct Referrals On Campus			Student Conduct Referrals On-campus Student Housing			Student Conduct Referrals Non Campus		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Liquor Law Violations (does not include DWI)	5	2	2	3	2	2	159	148	166	158	139	163	0	0	0
Drug Law Violations	28	47	35	21	41	17	239	262	330	210	237	283	0	0	0
Illegal Weapons possession	1	1	3	3	1	2	0	10	5	0	9	5	0	0	0

More Statistics	Studentn Conduct Referrals Public Property			Arrests – Non Campus			Arrests – Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Liquor Law Violations (deos not include DWI)	0	3	0	0	0	0	0	0	0
Drug Law Violations	0	0	3	0	0	0	0	0	0
Illegal Weapons possession	0	0	0	0	0	0	0	0	0

Violence Against Women Act (VAWA) Crimes	On Campus (includes residence halls)			On-campus Student Housing Only			Non-Campus Buildings			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Stalking	0	2	2	0	2	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	2	5	5	2	5	4	0	0	0	0	0	0

## Addendum 2 Fire Safety Statistics

The Fire Safety statistics below were reported to the U.S. Department of Education as required.  
This information is also available online at: <http://ope.ed.gov/security/GetOneInstitutionData.aspx>

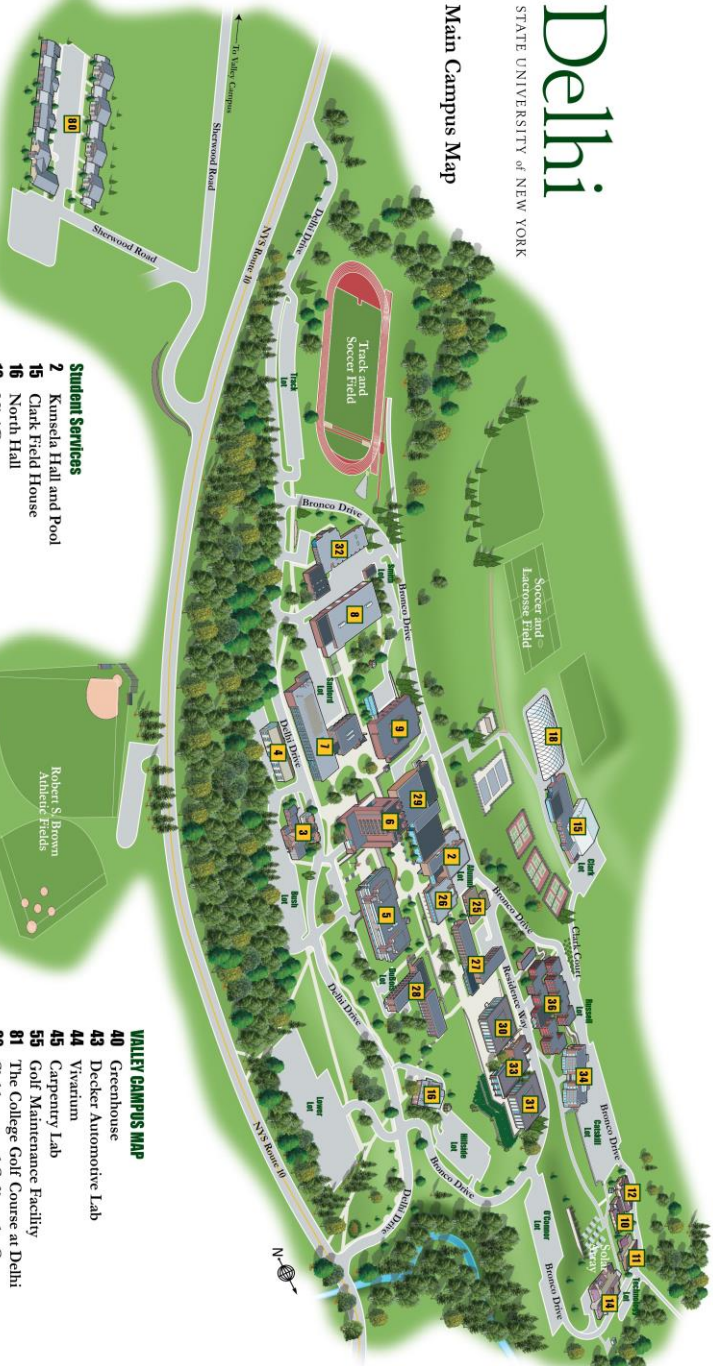
### Fires-On Campus Student Housing Facilities

Name of Facility	Street Address	Number of Fires 2016
DuBois Hall	248 Delhi Drive	0
Gerry Hall	315 Residence Way	0
O'Connor Hall	100 Residence Way	0
Murphy Hall	275 Residence Way	0
Russell Hall	224 Residence Way	0
Catskill Hall	399 Bronco Drive	0
Riverview Townhouses	87-89 Sherwoods Rd	0

### FIRE-SUMMARY

Name of Facility	2014			2015			2016		
	Fires	Injuries	Deaths	Fires	Injuries	Death	Fires	Injuries	Death
DuBois Hall	0	0	0	0	0	0	0	0	0
Gerry Hall	0	0	0	1	2	0	0	0	0
O'Connor Hall	0	0	0	0	0	0	0	0	0
Murphy Hall	0	0	0	0	0	0	0	0	0
Russell Hall	0	0	0	0	0	0	0	0	0
Catskill Hall	0	0	0	0	0	0	0	0	0
Riverview Townhouses	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	0	0	0	1	2	0	0	0	0

**Main Campus Map**



- Academic Buildings**
- 3 Thurston Hall
- 4 South Hall
- 5 Bush Hall and Resnick Library
- 6 Evenden Tower
- 7 Sanford Hall
- 8 Smith Hall
- 9 Farnsworth Hall
- 26 Alumni Hall Hospitality Center
- Applied Technologies Complex**
- 10 Plumbing, Heating and Piping Center
- 11 Refrigeration and Air Conditioning Center
- 12 Welding Center
- 14 Electrical Technologies Center
- Student Services**
- 2 Kunsela Hall and Pool
- 15 Clark Field House
- 16 North Hall
- 18 Mini Dome
- 25 Foreman Hall Health Center
- 29 Farrell Student and Community Center
- General Services**
- 32 Wall Service Complex
- Residence and Dining Halls**
- 27 Gerry Hall
- 28 Dubois Hall
- 30 Murphy Hall
- 31 O'Connor Hall
- 33 MacDonald Hall
- 34 Caskill Hall
- 36 Russell Hall
- 80 Riverview Townhouses

- VALLEY CAMPUS MAP**
- 40 Greenhouse
  - 43 Decker Automotive Lab
  - 44 Vivarium
  - 45 Carpentry Lab
  - 55 Golf Maintenance Facility
  - 81 The College Golf Course at Delhi
  - 82 Clubhouse and Cafe on the Green
  - 101 Turf Education Center
  - 103 Delhi Campus Child Care Center

