

D'Youville

2016 Annual Security/Fire Safety Report

<http://www.dyc.edu/campus-life/support-services/safety-and-security.aspx>

**D'Youville College
320 Porter Avenue
Buffalo, New York 14201-1084**

Welcome

On behalf of the members of the D'Youville College Campus Security staff and the administration of D'Youville College we would like to extend our greetings. The safety and well-being of our students, staff, faculty, and visitors are our top priority. Each year, the College publishes the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or more commonly known as the Clery Act, to provide you with essential information regarding the College's safety services, programs and policies as well as occurrences of crime on and around our campus. The information is based on the previous calendar year (January – December). Along with the support of other departments, the men and women of the Campus Security Office are dedicated to maintaining a safe and pleasant environment to live, work, and learn. This publication is but a small part of our effort to keep our campus community informed. We encourage you to review it carefully. Your comments and suggestions are always welcome.

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Annual Security Report

Overview

The information in this publication is in compliance with requirements set forth under the Student Right-to-Know and Campus Security Act of 1990 (Title II-Public Law 101-542) and the 2008 Campus Security Disclosure Responsibilities required by Higher Education Opportunity Act (Public Law 110-315). This report is updated on an annual basis and is available to all college faculty, staff, students and visitors. This report will also be provided to any applicant for enrollment or employment upon request. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

What is the Clery Act?

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose timely and annual information about campus crime and security policies. All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations.

In April, 1986, Jeanne Clery's life ended tragically when another student raped and murdered her in her residence hall room at Lehigh University. Alarmed at the lack of transparency around crime and violence on college campuses, Jeanne's parents committed themselves to create substantial change.

Safety and Security Campus Crime Report – Clery Act Requirements

Institutions of higher education must publish an annual report disclosing their campus security policies and three years' worth of crime statistics. To ensure compliance with the Clery Act D'Youville College must provide the following to D'Youville College community members and visitors alike:

Policy Disclosure: D'Youville College must provide the campus community and the public with accurate statements of current policies and practices regarding procedures for students and others to report criminal actions or other emergencies on campus; security of and access to campus facilities; and campus security.

Records Collection and Retention: The Campus Security Office is required to keep records of crimes reported on campus to campus security authorities; to obtain certain crime statistics from appropriate law enforcement agencies to include in the annual security report; and to keep a daily crime log open for public review.

Information Dissemination: To provide members of the college community with information needed to make informed personal safety decisions the college will provide information in accordance with prescribed practices within the Clery Act and best safety practices. Information will be disseminated via Timely Warnings, safety advisories, monthly crime reports, the annual security report (ASR), and access to the Campus Security Office crime log during normal business hours of operation. Multiple tools used to share this information include and are not limited to utilizing campus email, the Emergency Notification System (ENS), flyers, posters and social media. The college must also inform the campus community where to obtain information regarding registered sex offenders and submit annual crime statistics to the U.S. Department of Education by October 15th of every year.

Annual Security Report (ASR): The ASR is published annually and distributed to the college community electronically to faculty, staff and students. Hard copies are also available to faculty, staff, students, as well as prospective students and employees. The ASR is available on the Campus Security Office page of the college's website. The distribution is completed annually by October 1st of every year.

Fire Reporting Statistics: The Higher Education Opportunity Act (Public Law 110-315) which became law in August 2008 requires all United States academic institution of higher education to produce an annual fire safety report outlining fire safety practices, standards and all fire related on campus statistics. This also includes maintaining a fire log, which is kept at the Campus Security Office and is available to the public during normal business hours. It records any fire that occurred in an on campus student housing facility and includes information such as the nature, date, time and general location of each fire.

The fire log entry, or an addition to an entry, shall be made within two business days of receipt of the information. Fire statistics must be included in the ASR and include statistics for the three most recent calendar years.

Sex Offender Registry

Information on registered sex offenders in the area can be obtained via the Sex Offender Registry at: <http://www.criminaljustice.ny.gov/nsor/> or from an independent website, Parents for Megan's Law and The Crime Victims Center at: <https://www.parentsformeganslaw.org/>.

Campus Security and Safety

The college contracts with U.S. Security Associates (USSA) to provide service to the D'Youville community. All officers on staff receive continual training on security protocols and procedures, including Defensive Tactics, Handcuffing, Basic First Aid and Cardiopulmonary Resuscitation (CPR), Patrol Techniques and Active Shooter/Campus Intruder Response. Training is provided through a number of different sources, including US Security (private security company), the NYS Division of Criminal Justice and other law enforcement agencies in the Western New York area. Title IX training is also provided to all security staff.

The Director of Security is also involved with providing professional training to the college on security and safety related issues. Adjunct professors from the Erie County Central Police Services Police Academy assist our director in providing this training and outreach to faculty, staff and students. Officers do not have the authority to make arrests but may detain individuals until the arrival of the Buffalo Police Department for assistance. Security maintains a relationship with the Buffalo Police Department and receives from the department, an annual summary of criminal activity that falls within the college's Clery Geography boundaries. Officers provide escort service to and from buildings and cars to students and employees who request it.

The main security desk is located on the main floor of the D'Youville Academic Center (DAC) on Fargo Avenue and is open 24 hours a day, 365 days of the year. Security is also on duty 24 hours a day, 365 days of the year in Marguerite Hall and the Student Apartment Complex. Additional security locations include the Montante Family Library and the Dr. and Mrs. Bauer School of Arts, Sciences and Education building (during hours of operation) and parking lots D and H during evening hours when classes are in session. Officers patrol the interior of all buildings and the complete exterior footprint of the campus, on foot 24 hours a day throughout the year. The department has a Bike Patrol Unit, consisting of trained/certified bike patrol officers. These officers utilize mountain bicycles which are certified by the International Police Mountain Bike Association. The Bike Patrol Unit operates rain or shine, but is not in use during times of snowy weather. Security also monitors Dobson Field as requested and/or needed in accordance with scheduled events.

Reporting a Crime or Other Emergency

Crimes and other emergencies should be reported to the Campus Security Office at extension 7777 from a campus telephone or (716) 829-7777 from an outside phone/cell phone or dial 911. Non-emergencies should be reported to the Campus Security Office at extension 7550 from a campus telephone or (716) 829-7550 from an outside phone/cell phone.

Complaints may also be made in person at any of the security desks located in the aforementioned buildings. Crime victims may also file a criminal complaint with the Buffalo Police Department at (716) 851-4444 or by going in person to the Buffalo Police Department B District located at 695 Main Street, Buffalo, NY 14203.

If you are not comfortable contacting the Campus Security Office or the Buffalo Police Department, you may contact a Campus Security Authority (CSA). CSA's are campus staff, faculty and students whose job functions make them significantly responsible for students and student activities. CSA's are *not* investigators of crime but collectors of crime report information for the college.

Some examples of CSA's include: Residence Life Staff, Directors and/or Assistant Directors of the Health Center, College Center, Student Activities, Athletics, athletics staff and coaches, Human Resources, and Club Advisors.

Response

In the event that a crime is reported the matter will be investigated by the Campus Security Office and/or the Buffalo Police Department. Upon the discovery of those responsible the matter will be further investigated by the Director of Campus Security, the Office of the Vice President of Student Affairs (2016) or by the Buffalo Police, depending on the complainant's willingness to pursue the complaint with law enforcement authorities.

Students/Staff are encouraged to report any incidents of abuse, assault, or harassment to the Title IX coordinators, the Residence Life Office, Campus Security Office, Personal Counseling Office, Health Center, the Vice President of Student Life (2016) and/or local law enforcement. Security and Title IX staff are available 24 hours a day to provide immediate support and make arrangements for emergencies and/or counseling service. It is important to remember that prompt reporting is vital to the preservation of evidence that may substantiate charges.

The college encourages anyone who is the victim or witness to any crime to accurately and promptly report the incident to the Campus Security Office and/or Buffalo Police, even when the victim elects or is not able to make such a report.

Reporting a crime provides accurate and complete statistical reports and aids in providing timely warning notices to the community, when appropriate. Faculty, staff and students who are considered to be Campus Security Authorities (CSA's) are required to forward any report of a crime on campus to the Campus Security Office for further investigation and in recording statistics when the victim of a crime elects or is unable to make a report. Incidents reported to the Campus Security Office that fall into one of the Clery required reporting classifications will be disclosed as a statistic in the annual report.

Statement on Voluntary, Confidential Reporting

There are occasions when victims of crime wish to report the crime, but do not want to give their name and/or do not want to pursue action through the criminal justice or college judicial systems. If you are not comfortable reporting a crime or security related concern directly to the Campus Security Office or the Buffalo Police Department you are encouraged to seek counseling and/or medical services by contacting one of the following offices and/or agencies:

Personal Counseling Center: (716) 829-7819, Office location: Marguerite Hall, First Floor

Health Center: (716) 829-8777; Office location: Marguerite Hall, First Floor

Campus Ministry: (716) 829-7672; Office location: Koessler Administration Building (KAB), Room 121 or the Dr. and Mrs. Bauer School of Arts, Science, Education building (SASE), Room 113

Crisis Services: (716) 834-3131

Domestic Violence & Sexual Assault Advocate: (716) 381-0338; Office location: Bauer Family Academic Center (BFAC), Room 012

New York State Police Campus Sexual Assault Victims Hotline (844) 845-7269

Counselors and Clergy

A victim can also confidentially discuss a crime or incident with the director of the Health Center, mental health counselors in the Personal Counseling Center and the religious staff in Campus Ministry, when acting as such, are not considered to be a campus security authority (CSA) and are not required to report these crimes, but are encouraged to have victims file reports in order to seek all available assistance and for inclusion in the annual disclosure of crime statistics.

A mental health counselor is a person whose official responsibilities include providing mental health counseling to member of the institution's community and who is functioning within the scope of her or his license or certification. The Campus Ministry clergy maintain privilege of confidentiality when acting in

their official role of clergy, but not when acting in the capacity of another title on campus (i.e. professor, club advisor, etc.).

Publications and Services Provided by the Campus Security Office and the Department of Student Life

Emergency Response Reference Guide

This brochure contains basic emergency procedures as well the recommended action steps to be followed during the occurrence of specific emergencies which have the potential to take place within the college's environment. The brochure is available in hard copy format in various locations around campus, and is distributed to employees and students on a regular basis. To review the complete brochure click on this link:

http://www.dyc.edu/campus-life/support-services/docs/emergency_and_evacuation_procedure.pdf

Emergency Medical Procedures

This document contains the procedures to follow in the event of a medical emergency within and/or on campus property. To review the complete document please click on this link: http://www.dyc.edu/campus-life/support-services/docs/emergency_procedures.pdf

Safety Escort

Campus Security Officers offer all students, faculty, staff and visitors the ability to receive a safety escort 24 hours a day, 365 days of the year. The safety escort service area includes the entire campus (buildings, parking lots and Dobson Field) and the immediate surrounding vicinity. Safety escorts may be requested by calling the main Campus Security Office, (716) 829-7550.

Community Relations

The Campus Security Office has established strong working relationships with local law enforcement and emergency responders, including the Buffalo Police and Fire Departments as well as the New York State Police Campus Sexual Assault Victims Unit. In addition to these key partners, we also maintain active communications with our neighbors through participation in the Community and Block Club Associations and the Police Community Outreach Committees.

Campus Facilities

D'Youville College facilities are available for use by students, employees, alumni, invited visitors and those having direct business with the college. Renters who have made the appropriate arrangements to use college facilities may do so during the approved hours. Access to some facilities is controlled by D'Youville ID card access, and building hours will vary according to the college schedule and time of the year. Security and college officials maintain the authority to ask those on college property for proper identification and to escort unwanted visitors off campus property and if needed refer to the Buffalo Police for possible arrest for criminal trespass.

Resident Facilities

Marguerite Hall and the Student Apartment Complex both have security stationed at their entrances 24 hours a day. Access to these halls is restricted to residents, their guests and members of the college community. Resident students must show their ID card to security upon entering the building. All visitors must sign in and leave photo ID at the security desks, and are to be escorted by their host/hostess at all times. Guest visitation hours are permitted in the residence halls during the following hours: Sunday – Thursday 9 AM - 1 AM; Friday – Saturday 9 AM – 3 AM. An overnight guest in either residence facility requires pre-approval by the resident advisor on duty. See the Residence Life Handbook, <https://www.dyc.edu/campus-life/residence-life/docs/residence-life-handbook.pdf> for more specific details regarding overnight guests. Access to residence facilities are subject to change when the college is closed.

Emergency Telephones

The on-campus "Red & Blue Phone" emergency phone/communication systems were developed to provide a direct line to the Base Station (Main Security Office in the D'Youville Academic Center) for emergency purposes. When utilized, the exact location from which the call is made and instant voice communication are established. The 7777 system is our dedicated emergency line. Red phones are located in the buildings on campus and the blue phones are located in the parking lots.

Security Monitoring

Our Security Office staff monitor over 140 digital video cameras that cover the entire college campus in addition to the dedicated/equipped posts in various buildings, the buildings being staffed during hours of operation; and our bicycle and foot patrols. Buffalo Police communication is also monitored.

Timely Warning

A Timely Warning will be issued when the circumstances of a criminal incident support a reasonable belief that a serious, ongoing threat or pattern to the college's students, employees, or guests exists. Such warnings are provided to students and employees in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar occurrences. These warnings will be distributed for any qualifying incident discovered by the college in accordance with the Jeanne Clery Act. The Director of the Campus Security Office, upon gathering the facts of the incident will review them with the Associate Vice President of Operations/Facilities Management and coordinate with the Vice President of Student Affairs (2016) the issuance of a Timely Warning/Safety Advisory when:

- The circumstances of the commission of the crime create a reasonable belief that there is a serious or ongoing threat to the members of the D'Youville College community.
- The crime is one of the following types; is determined to pose a serious or ongoing threat to the community; and was committed on property owned or controlled by the college, or on public property contiguous to or immediately adjacent to campus: Homicide – Murder and non-negligent manslaughter; sex offenses (considered on a case by case basis depending on the facts of the case, when the incident occurred versus when it was reported and the amount of information known by the director); robbery involving force or violence; aggravated assault; burglary; motor vehicle theft; major incidents of arson; hate crimes involving bodily injury; other crimes as determined necessary by the Director of the Campus Security Office and/or his designee

Timely Warnings/Safety Advisories may not be issued for the above listed crimes if the perpetrator(s) is apprehended and the ongoing threat to members of the community has been mitigated. All of the above listed crimes and any other crimes will be assessed on a case by case basis to determine if there is an ongoing or serious threat to the college community.

Dissemination Methods

Upon receiving authorization, the Director of the Campus Security Office or his designee, will notify the Vice President of Student Affairs (2016) or his designee who will disseminate the timely Warning/Safety Advisory via campus wide email. The college may also disseminate the information by means of the college's website, flyers and other campus notices, and the College Emergency Notification System (ENS) and social media.

Safety, Security and Prevention Programs

D'Youville College is dedicated to crime prevention and facilitating programs for students, faculty and staff by providing a variety of educational opportunities, strategies and tips to help eliminate or minimize criminal opportunities. The following is a list of programs/topics that took place during the 2016 calendar year.

New Student Programming

Various approaches including but not limited to, personal presentations by the Director of the Campus Security Office, student affairs staff, and outside agencies (Equality, Crisis Services); brochures; flyers; and online training (Campus Clarity: Think About It), are used to address Campus Security; online safety and scams; alcohol and drug use and abuse; Title IX; relationship violence; sexual misconduct; safe bystander intervention techniques; affirmative consent; consent principles and college policies and processes pertaining to the aforementioned items. Presentations began at orientation sessions for all new students and are continued throughout the year. Presentations/programs offer educational information and prevention information.

Continuing Educational Opportunities

For returning students and employees of the college numerous workshops were held to educate them regarding Title IX, sexual misconduct, the role of alcohol/drugs in sexual misconduct, affirmative consent, consent principles and college policies and processes pertaining to the aforementioned items. Students received online training in the aforementioned topics via Campus Clarity (Think About It; Think About It: Graduate) while employees received their online training via Law Room. Student athletes were mandated to participate in the workshops/Campus Clarity in order to participate in their sport. Resident advisors were also mandated as a part of their training leading up to the opening of the residence halls. Student leaders were mandated in order to maintain their elected/appointed leadership positions. Presentations were also made regarding personal safety, general campus security procedures and policies. All programming efforts were coordinated by staff from the Student Affairs Department (2016), Crisis Services and the Director of the Campus Security Office.

Crime Prevention Tips

Personal Safety:

- Do not walk or participate in outdoor exercise alone; have a companion whenever possible
- Avoid isolated areas
- Use Campus Security escorts
- Tell a friend where you are going and when you will return
- Be aware of your surroundings

Residential Safety

- Lock your residence hall room or apartment whenever you leave and when you are sleeping
- Do not prop exterior building doors
- Do not allow strangers to follow you into the building

Workplace Safety

- Keep personal items (i.e. purses, laptops, book bags, etc.) locked up
- Secure the work area when no one is in it
- Report suspicious people to Campus Security

Protecting Your Property

- Record the serial numbers of your valuables and engrave them with an identifying number
- Keep your vehicle locked when it is parked and when you drive
- Do not leave valuables in your car
- Do not leave textbooks, purses or book bags unattended
- Do not leave laptops or other electronic devices unattended
- Report lost or stolen D'Youville College ID cards to Campus Security and immediately obtain a replacement ID
- Report any suspicious activity or persons to Campus Security immediately

Campus Emergency Response and Evacuation Procedures

Upon confirmation that an emergency situation involving an immediate threat to the health or safety of students or employees is occurring on campus or on nearby adjacent city streets, D'Youville College will provide notification to the campus community. The Director of the Campus Security office, or his designee, in consultation with the Vice President of Student Affairs (2016), or his designee, will determine

the content of the notification and initiate the ENS, unless issuing a notification will, in the professional judgement of responsible college authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Emergency notifications, response and evacuation procedures may pertain, but are not limited, to those of a criminal nature, fire or other type of health hazard (i.e. chemical spill, etc.) or weather related event.

Emergency notices will be provided by the following primary methods:

- **Emergency Notification System (ENS):** automated system used to deliver immediate advisories and instructions to faculty, staff and students via cell phones, landlines, wireless PDA, SMS and email; delivery options are set in advance by each individual recipient
- **D'Youville College Web Site:** the main page (www.dyc.edu) will contain information and updates about an emergency occurring on campus

Procedures have been formulated to make emergency notifications to our community at large on a 24/7 basis. The ENS is tested at least once every academic year with advance public notification of the test made to the college community. Secondary methods to use to notify the on campus community may include, and are not limited to, flyers, posters, and social media.

It is recommended that each member of the campus community become familiar with the Emergency Management Plan, which includes evacuation procedures. The complete document may be accessed on the College's website at <http://www.dyc.edu/campus-life/support-services/safety-and-security.aspx> and hard copies are available upon request via the Director of the Campus Security Office or the Vice President of Student Affairs (2016).

Missing Student Protocols

To meet federal requirements resident students will be asked to register a confidential emergency contact person with the office of Residence Life. This contact would be notified in the event a student is missing or when another sufficient emergency situation develops. This contact information will remain confidential and will not be shared with the rest of the college. If a resident student has not registered an emergency contact number the local law enforcement authorities will serve as an emergency contact and will be notified when a missing student situation occurs. If a missing resident student is less than 18 years of age, and is not officially emancipated from their parents or guardian, the parent or guardian, by law, must be contacted.

For this federal requirement the term "missing student" is defined as; "any student who resides on campus and whose absence is unscheduled and has resulted in concern for his/her safety by peers and/or employees."

In the event a resident student is believed to be missing the following procedures will be followed:

1. The Director of Residence Life, the Assistant Director of Residence Life and the Director of the Campus Security Office will be notified. Once such a notice is received security and college officials will begin an investigation and will work with local law enforcement agencies as needed.
2. Campus Security will consult with the staff or community member making the report to determine the level of seriousness and to gather all pertinent information. Security will be assisted in this process by the Director or Assistant Director of Residence Life.
3. As deemed appropriate security will notify the Vice President of Student Affairs (2016) of the situation.
4. If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing 24 hours, campus security will notify the Buffalo Police and other law enforcement agencies if necessary. Interviews with roommates, family members, and those who were last in contact with the individual will be done immediately.
5. Emergency notifications to the campus community will be coordinated as necessary by the Vice President of Student Affairs (2016).

6. Information will not be released to the public unless authorized by the Vice President of Student Affairs (2016) and/or the Director of Public Relations (2016). All media requests will be directed to the public relations office (2016).
7. Security will act as the liaison office between the college and law enforcement, writing follow-up reports as needed and keeping college officials apprised of the on-going investigation. Reports of a missing commuter student will be referred immediately to the Buffalo Police and Campus Security will assist their investigation in any way possible.

Crime Statistics and Their Definitions

These statistics are generated by data collected from the D'Youville College offices of Campus Security, Residence Life, Health Center, the Personal Counseling Center, Title IX coordinator, and the Buffalo Police Department. Additionally, the Director of the Campus Security requests crime statistics from law enforcement agencies which service the areas our athletic teams travel to on an annual, reoccurring basis. Specifically, this pertains to towns and/or cities within our conference, where our student athletes are housed for one overnight or more. All collected data pertains to the indicated calendar year, January thru December, of this report. The Director of the Campus Security Office submits these statistics to the Department of Education in accordance with their regulations.

Crimes

The following crimes and definitions are taken from the "Handbook for Campus Safety and Security Reporting, 2016 Edition".

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 or probably would result in serious potential 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 a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking and all attempts to commit any of the aforementioned.

Dating Violence (VAWA Definition): Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based upon the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

Domestic Violence (VAWA Definition): 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 cohabitating with or has cohabitated with victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Motor vehicle theft includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding.)

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

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

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, violence, and/or causing the victim fear.

Hate Crimes: A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim and the victim's actual or perceived race, religion, gender, sexual orientation, ethnicity, national origin or disability.

Categories of Bias:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attachment to members of the same and/or opposite sex, including lesbian, gay, bisexual and heterosexual (straight) individuals.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

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

NOTE: In addition to the first seven Clery offenses listed in the criminal offenses section of this report, the following four crimes qualify as Hate Crimes when motivated by bias:

Larceny-Theft: is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition where a person does not have physical custody or possession, but is in a position to exercise domain or control over a thing.

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

Sexual Assault (VAWA Definition):

Sexual Assault (Sex offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Reporting (UCR) program.

Rape: is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both females and males.

Fondling: is 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 capacity.

Incest: is sexual intercourse persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape: is sexual intercourse or other sexual act with a person who is under the statutory age of consent, which in New York State is 17

Stalking (VAWA Definition): Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purpose 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, surveils, 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.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Law Violations: The violation of laws or ordinances 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.

Geographic Definitions

The following definitions are taken from the Handbook for Campus Security and Security Reporting (Department of Education).

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

Non-Campus: Any building or property owned or controlled by student organizations recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: Public property is defined as the area such as sidewalks or city streets that is within the same reasonable contiguous geographical area of the school; or is adjacent to a facility owned or controlled by the school, and the facility is used by the school in a manner related to the institution's educational purposes.

Residence Halls: 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.

Those reportable statistics that occur within a college owned or controlled residence hall or apartment in both "On Campus" and "Residence Hall categories. Conjecturally, the purpose of this category is to specifically list those reportable crimes occurring on campus that take place within a residence hall or apartment.

New York State Protocols - Hate Crimes and Bias Related Incidents

In compliance with the New York State Education Law, section 6436, Bias Related Crime Act of 2000, the following information is designed to outline to the D'Youville College Community the applicable laws on bias related crimes and the penalties for the commission of bias related crimes, the procedures for reporting crimes and the nature of and common circumstances relating to bias related crimes.

Reporting a Bias Related Crime

If you are a victim of a bias related crime, or you know, or suspect, that a member of the college community is a victim of a bias related crime, the following resources are available to you to report the crime:

- A. Campus Security Office: D'Youville Academic Center, first floor; 716-829-7550 or 716-829-7777
- B. Vice President of Student Affairs: College Center, room 118/119; 716-829-8199
- C. Personal Counseling: Marguerite Hall, first floor; 716-829-7819
- D. Buffalo Police 716-851-4403 or 911
- E. Counselors, security and members of Student Affairs staff are also available to assist you

Applicable Laws, Ordinances and Regulations on Bias Related Crimes: New York State Penal Law, Article 485 Hate Crimes: 485.00 Legislative findings:

"...the legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as hate crimes, victims are intentionally selected, in whole or in part because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation...our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence."

A person commits a hate crime when he/she commits a specified offense and either intentionally selects the person against whom the offense is committed 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, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person regardless of whether the belief or perception is correct. A specified offense is an offense as defined by any of the following provisions of the New York State Penal Law:

- A. Assault in the third, second or first degree
- B. Aggravated assault upon a person less than eleven years old
- C. Menacing in the first, second or third degree

- D. Reckless endangerment in the second or first degree
- E. Manslaughter in the second or first degree
- F. Murder in the second degree; stalking in the fourth, third second or first degree
- G. Rape in the first degree
- H. Criminal sexual act in the first degree
- I. Sexual abuse in the first degree
- J. Aggravated sexual abuse in the second or first degree
- K. Unlawful imprisonment in the second or first degree
- L. Kidnapping in the second or first degree
- M. Coercion in the second or first degree
- N. Criminal trespass in the third, second or first degree
- O. Burglary in the third, second or first degree
- P. Criminal mischief in the fourth, third, second or first degree
- Q. Arson in the fourth, third, second or first degree
- R. Petit larceny
- S. Grand larceny in the fourth, third, second or first degree
- T. Robbery in the third, second or first degree
- U. Harassment in the first degree
- V. Aggravated harassment in the second degree
- W. Any attempt or conspiracy to commit any of the foregoing offenses

Penalties for Commission of Bias Related Crimes: New York State Penal Law 485.10 Sentencing

- 1) When a person is convicted of a hate crime pursuant to this article and the specified is a violent felony offense, as defined in section 70.02 of the NYPL, the hate crime shall be deemed a violent felony offense.
- 2) When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a Class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense that the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
- 3) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
 - a) The maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYPL.
 - b) The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYPL.
 - c) The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYPL.
 - d) The max term of the indeterminate sentence or term of the defendant sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYPL.
- 4) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a Class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.

Students who commit a bias related crime will also be subject to disciplinary action by the College.

Sexual Misconduct Policy

D'Youville College prohibits its employees (faculty, administrative, support staff and maintenance), and undergraduate and graduate students from engaging in any form of sex discrimination, which includes sexual harassment and sexual assault/violence (collectively referred to in this policy as "sexual misconduct"). Should the college become aware of sexual misconduct impacting its employees, undergraduate students or graduate students, the college is committed to promptly and effectively address the situation.

In furtherance of that commitment, the policy explains how the college will proceed once it is made aware of possible sexual misconduct in keeping with our institutional values and to meet our legal obligations under Title IX, the Clery Act, the Violence Against Women Reauthorization Act of 2013, New York State law Article 129-B, and other applicable law. In all instances in which sexual misconduct is found to have occurred, the college will take appropriate steps to end such conduct, prevent its recurrence and redress its effects. The policy, in its entirety may be found in the appendices of this report and on the College's website at <http://www.dyc.edu/disclosures/title-ix.aspx>.

Scope of the Policy

This policy applies to reports that an employee of D'Youville College or an undergraduate or graduate student ("Impacted Party") is alleged to have been subjected to sexual misconduct by another employee of D'Youville College, a third party (such as a contracted service provider or vendor), or an undergraduate or graduate student ("Respondent") whenever the alleged sexual misconduct occurs:

1. On campus, which includes the Main Campus, Dobson field, Main Street Chiropractic Clinic, and any other areas owned or leased by D'Youville College; or
2. Off campus, if:
 - a) In connection with a college or college-recognized program or activity; or
 - b) In a manner that may pose an obvious and serious threat of harm to or that may have the effect of creating a hostile educational or work environment for, any member(s) of the college community.

This policy applies regardless of the sexual orientation or gender identity of the Impacted Party or Respondent. This policy and process adheres to the aforementioned laws and must be followed if either the impacted party and/or the respondent is a student. If neither party is a student, other policies may apply and an alternate process under that policy may be followed. In the case where a community member not associated with the College alleges that a member of the College community has committed an act of sexual misconduct, such cases will be turned over to the appropriate authorities for investigation.

Sexual Harassment

Sexual harassment is a form of sex discrimination, which is illegal, under New York State Human Rights Law as well as under Title VII of the Civil Rights Act of 1964 as it relates to employees and under Title IX of the Education Amendments of 1972, as it relates to students. Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors or other physical or expressible behavior of a sexual nature where:

- A. Submission to such conduct is explicitly or implicitly a term or condition of an individual's education or employment
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creates an intimidating, hostile, or offensive academic or work environment even if the person engaging in the conduct does not intend to interfere, intimidate or be hostile or offensive.

This includes, but is not limited to, sexual joking or innuendo, the use of sexually-explicit language or the display of sexually oriented jokes, posters or other material on bulletin boards, in offices, carrels and work areas.

Reporting Sexual Misconduct

The college strongly encourages the prompt reporting of sexual misconduct. The report may be made by a person covered by this policy who believes they experienced sexual misconduct; or a person who has information that sexual misconduct may have been committed by a person covered by this policy. Reports should be made to either of the two Title IX Coordinators. To report alleged sexual misconduct by undergraduate or graduate students, contact Deborah Owens via email at owensde@dyc.edu or titleIXcoordinator@dyc.edu ; by phone, (716) 829-8198; or in person in the College Center, room 111.

To report alleged sexual misconduct by faculty, administrative staff, academic staff or third parties, contact: Linda Moretti via email at morettl@dyc.edu ; by phone, (716) 829-7811; or in person at 631 Niagara Street, room 206 (2016).

Any member of the D'Youville College community who believes he or she has been subjected to sexual misconduct is encouraged to report it and may request that an investigation be conducted. Unless an office has been designated as a confidential resource (see below), students should assume that any other college office, official or employee to which a report is made will share that report with the Title IX Coordinator for review and handling in accordance with this policy. In fact, certain college employees are required by law to do so. The following college employees with knowledge of unreported sexual misconduct (or what could potentially be deemed sexual misconduct) are considered "responsible employees" who are required to report such alleged sexual misconduct to the Title IX Coordinator:

1. Faculty advisors which includes academic advisors and those that advise clubs and organizations
2. Deans of the college and department chairs
3. Athletic department staff and team coaches
4. Residence life director and staff the president of the college and President's Council
5. All administrators and support staff.

Upon receiving a report of alleged sexual misconduct, the Title IX Coordinator will provide the Impacted Party with information regarding the importance of preserving evidence and, where applicable, the importance of obtaining a sexual assault forensic examination as soon as possible.

In addition to seeking redress through the college, the Impacted Party is also encouraged to report criminal concerns to the local law enforcement for the jurisdiction where the incident took place. Local law enforcement agencies do not necessarily notify the college when a crime has occurred in their jurisdiction, so the college will not have notice of an incident unless a report is also made to the college. A criminal investigation is separate from a college process and will not be coordinated through the college.

Confidentiality

The college will make reasonable and appropriate efforts to preserve the Impacted Party's and Respondent's privacy and to protect the confidentiality of information. Should an Impacted Party request confidentiality, the Title IX Coordinator will inform the Impacted Party that the college's ability to respond to the alleged sexual misconduct may be limited but that, where feasible, the college will take reasonable steps to prevent sexual misconduct and limit its effects.

The Title IX Coordinator will further inform the Impacted Party that it is not possible to provide confidentiality in all cases and that the college's decision to share information with others is subject to the balancing test described below in Section VII(A). In summary, although the college's goal is to limit the number of individuals who may learn about an allegation of sexual misconduct or an investigation, the college cannot guarantee confidentiality in all matters.

Even college offices and employees who cannot guarantee confidentiality will maintain the Impacted Party's and Respondent's privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Confidential Resources

Discussing allegations of prohibited conduct with a confidential resource will not result in a report to a Title IX coordinator.

Confidential Resources (on campus):

- a) Personal Counseling Center: Marguerite Hall, 1st Floor; phone: (716) 829-7819
- b) Health Center: Marguerite Hall, 1st Floor; phone: (716) 829-8777
- c) Campus Ministry: Koessler Administration Building (KAB), room 121; Dr. and Mrs. Bauer School of Arts, Sciences and Education (SASE), room 113; phone: (716) 829-7672

Confidential Resource (off campus):

- a) Crisis Services: (716) 834-3131

Additional Reporting Options:

- b) Buffalo Police Department Sex Offenses: (716) 851-4494, (716) 851-4444
- c) New York State Police Campus Sexual Assault Victims Hotline: (844) 845-7269
- d) Director of the Campus Security Office: (716) 829-7551

Interim Accommodation and Safety Measures

When the college has notice of an allegation of sexual misconduct, a qualified college staff member (such as the Vice Presidents of the college or Title IX Coordinators) may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the investigation, any appeal process and beyond should it be deemed necessary.

When a qualified college staff member imposes interim measures, a report of the actions taken should be made to the Title IX Coordinator as soon as possible. Any accommodations or safety measures provided to the Impacted Party will be kept confidential to the extent possible. Interim Measures may include:

- A. Housing reassignments
- B. Course reassignments
- C. Alterations to college employment arrangements and/or changing work schedules
- D. Alterations of course schedules, assignments or tests
- E. No contact directives (such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another)
- F. Providing an escort for the Impacted Party to ensure he/she can move safely on campus and/or between college programs and activities
- G. Limitation on extracurricular or athletic activities
- H. Removal from college community
- I. Temporary suspension or revision of college policies or practices
- J. Training; and/or
- K. Other appropriate actions as necessary to stop the sexual misconduct, prevent its recurrence, remedy its effect on the Impacted Party or improve college policies or practices

Any time that the college has notice of an allegation of sexual misconduct and the Impacted Party or Respondent is a student, a no contact directive will be issued. As part of the no contact directive, the college may establish an appropriate schedule for the Respondent to access college buildings and property at times when such buildings and property are not being accessed by the Impacted Party. Further, under the no contact directive, if the Impacted Party and Respondent observe each other in a public place, it shall be the responsibility of the Respondent to leave the area immediately and without directly contacting the Impacted Party.

Both the Respondent and the Impacted party may request prompt review, reasonable under the circumstances, of the need for and terms of any interim accommodations or safety measure, including potential modification, and shall be allowed to submit evidence in support of his or her request.

D'Youville Sanctions

College officials will work in close cooperation with the impacted party(s) and local law enforcement agencies to address any violations of the college's sexual misconduct policy. The college will change an impacted party's academic and living situations after an alleged sex offense if these changes are requested by the impacted party. If, after an investigation, the respondent is found responsible for sexual misconduct appropriate sanctions will be imposed to address the misconduct, prevent its reoccurrence and remedy its effects while supporting the college's educational mission and Title IX obligations.

Sanctions may also serve to promote safety or deter students or employees from similar future behavior.

Possible sanctions include (these are not in any redress order):

- A. Termination from college employment
- B. Expulsion
- C. Suspension
- D. Reprimand/warning
- E. Mandatory leave of absence
- F. Probation
- G. Community Service
- H. Housing reassignment
- I. Removal from student housing or otherwise restricting access to college facilities or activities

The college will, upon written request, disclose to the impacted party the results of any disciplinary proceeding conducted by the college against the respondent. If the impacted party is deceased as a

result of such crime or offense, the next of kin of such individual shall be treated as the impacted party for the purposes of this statement. (Refer to the appendices at the end of this document to review the Student Conduct Committee and Judicial Review Board policies/procedures followed by the college.)

Specific Steps to Take If Sexually Assaulted

1. Get to a safe, secure place.
2. Report the crime incident to security, (716) 829-7777 and the Buffalo Police at 911. Do NOT be reluctant or embarrassed to call the police – you are the victim of a crime.
3. Go to the closest Emergency Room (ER) for an examination, immediate medical attention and for the collection of physical evidence. Do NOT shower, comb hair or change clothes before going to the hospital for attention as doing so may destroy valuable medical evidence law enforcement agencies will need for their investigation. Do take a change of clothes to the hospital ER.
4. Call a friend, family member and/or Crisis Services at (716) 834-3131 and seek counseling for any sexual assault and/or attempts of sexual assault.

New York State Law

In compliance with New York State law Article 129-B, D'Youville College has adopted the following guidelines.

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 Principles

- a) Consent to any sexual act or prior consensual sexual activity between or with any other party does *not* necessarily constitute consent to any other sexual act.
- b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol
- c) Consent may be initially given but withdrawn at any time
- d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent
- e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm
- f) When consent is withdrawn or can no longer be given, sexual activity must stop

Drug and Alcohol Amnesty

The health and safety of every student at D'Youville College is of utmost importance. The college recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The college strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to college 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 the college's officials or law enforcement will not be subject to disciplinary action by the college 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. Amnesty applies to individuals only, *not* clubs/organizations.

Students' Bill of Rights

All students have the right to:

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

Alcohol and Other Drugs

Overview

D'Youville College complies with federal, state and local laws regarding the possession, use and sale of alcoholic beverages and controlled substances. Members of the college community who violate this policy will be subject to discipline. Taking into account the circumstances of each case, sanctions for students and employees may range from warnings to termination. At the direction of the college, as an alternative to, or in addition to any disciplinary action taken, students or employees may be required to participate in and to satisfactorily complete an appropriate counseling or rehabilitation program. Records of such discipline may be maintained in a student's record or an employee's personnel file. Enforcement of these sanctions will be through the college's existing disciplinary procedures for students and employees of the college as appropriate.

Alcohol

In accordance with the aforementioned laws the following are prohibited actions pertaining to the use of alcohol on campus.

- A. Providing alcoholic beverages to individuals under the age of 21
- B. Possession or consumption of alcoholic beverages by individuals under the age of 21
- C. Illegal possession of an open container of an alcoholic beverage
- D. Unauthorized consumption of alcoholic beverages in public space
- E. Public intoxication

The use of alcohol in all residence halls is subject to federal, New York State laws and D'Youville College policies. Refer to the D'Youville College Residence Life Handbook for specific policies and regulations pertaining to the possession and consumption of alcohol in the residence halls.

<http://www.dyc.edu/campus-life/residence-life/docs/residence-life-handbook.pdf>

Drugs

In accordance with federal, New York State laws and college policies the distribution, possession or use of any illegal drug or controlled substance or drug paraphernalia; as well as the misuse and/or sharing of prescription drugs and other products being used other than as intended is prohibited. There are several federal and New York State laws prohibiting the use and/or sale of controlled and/or synthetic

substances. Examples include and are not limited to, marijuana, heroin, cocaine, PCP, LSD, methamphetamine, fentanyl, bath salts, medphedrone, anabolic steroids and embutane. A conviction for violation of federal and state laws can result in a substantial fine and/or a lengthy imprisonment.

Fire Safety

Fire Protection Equipment/Systems

All D'Youville College campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at the main security desk in the D'Youville Academic Center on Fargo Avenue. Sprinkler systems are also located in all main campus buildings. The alarm system in each building is comprehensive with immediate notification to campus security and the Buffalo Fire Department (BFD). Fire drills are held regularly and an annual inspection/review of all rooms on campus, including residence halls, is performed by a New York State Fire Inspector.

Residence Halls

In addition to the aforementioned systems the residence halls are also equipped with heat, smoke and carbon monoxide detectors. Each room/apartment is fire resistant and is equipped with an automatic door closer. Resident students are made aware of all Residence Life policies/procedures in the Residence Life Handbook. (<https://www.dyc.edu/campus-life/residence-life/docs/residence-life-handbook.pdf>) Policies and procedures in the handbook are reviewed with all residents by the Resident Advisors (RA's) assigned to each floor of the residence hall/apartments.

Procedures for Students/Employees in the Event of a Fire

In the event of a small or easily contained fire contact Security at 716.829.7777, report the location of the fire and immediately remove yourself and/or others from the situation. Security will respond and contact the Buffalo Fire Department for assistance. In the event of a large/major fire find the nearest pull station and activate it. Exit by the nearest safe stairway and/or emergency exit.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. Obstructing sprinkler heads, disabling or covering smoke/heat/carbon monoxide detectors or propping fire doors impedes the ability of equipment to detect, stop or suppress fire and is a direct violation of college policy.

Fire alarms alert the college community of potential hazards/harm and community members are required to heed their warnings and evacuate buildings immediately upon hearing an alarm. Community members should be familiar with stairwells and exits in each building and be mindful of the following:

- Don't panic.
- Shut all doors and windows in the vicinity of the fire.
- If you encounter smoke stay low to the floor/ground and if possible cover with your face with a wet cloth.
- When exiting a room or entering a stairwell first feel the door and door handle. If they are hot do not open the door.
- If forced to stay in a room seal up any cracks around the door, contact Security and let them know of your location and/or hang a sheet, towel, or article of clothing from a window to announce you are in the room.
- If you can exit the room, leave the building by the nearest safe stairwell. Do not use the elevators.
- Move away from the building to a safe area to allow for rescue/fire personnel to do their job.

**THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND
CAMPUS CRIMES STATISTICS ACT FOR D'YOUVILLE COLLEGE**

CATEGORY	VENUE	2014	2015	2016
CRIMINAL HOMICIDE:				
Murder/non-negligent manslaughter Manslaughter by Negligence	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
	➤ On Campus	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
SEX OFFENSES:				
Rape	➤ On Campus ***	0		0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	1	0	0
Fondling	➤ On Campus ***	0	2	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Incest	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Statutory Rape	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Stalking	➤ On Campus ***	1	vawa	vawa
	➤ In dormitories or other residential facilities	0	vawa	vawa
	➤ In or on a non-campus building or property	0	vawa	vawa

Stalking	➤ On public property	0	vawa	vawa
Dating Violence	➤ On Campus ***	0	vawa	vawa
	➤ In dormitories or other residential facilities	0	vawa	vawa
	➤ In or on a non-campus building or property	0	vawa	vawa
	➤ On public property	0	vawa	vawa
Domestic Violence	➤ On Campus ***	0	vawa	vawa
	➤ In dormitories or other residential facilities	0	vawa	vawa
	➤ In or on a non-campus building or property	0	vawa	vawa
	➤ On public property	0	vawa	vawa
Sexual Assault	➤ On Campus ***	0	vawa	vawa
	➤ In dormitories or other residential facilities	0	vawa	vawa
	➤ In or on a non-campus building or property	0	vawa	vawa
	➤ On public property	0	vawa	vawa
ROBBERY	➤ On Campus ***	0	2	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	2	1	1
<2015 "LARCENY"	➤ On Campus ***	5	n/a	n/a
	➤ In dormitories or other residential facilities	0	n/a	n/a
	➤ In or on a non-campus building or property	0	n/a	n/a
	➤ On public property	2	n/a	n/a
AGGRAVATED ASSAULT	➤ On Campus ***	0	0	2
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	1	0
	➤ On public property	0	0	2
BURGLARY	➤ On Campus ***	0	8	6
	➤ In dormitories or other residential facilities	1	0	0
	➤ In or on a non-campus building or property	0	2	0
	➤ On public property	0	0	3
MOTOR VEHICLE THEFT	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0

Motor Vehicle Theft	➤ On public property	0	1	3
<2015 "MOTOR VEHICLE BREAK-INS & THEFT OF GOODS"	➤ On Campus ***	2	n/a	n/a
	➤ In dormitories or other residential facilities	0	n/a	n/a
	➤ In or on a non-campus building or property	0	n/a	n/a
	➤ On public property	5	n/a	n/a
ARSON	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
ARREST AND REFERRALS FOR DISCIPLINE:				
Arrest for Liquor Law Violations	➤ On Campus	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Arrest for Drug Law Violations	➤ On Campus ***	4	0	0
	➤ In dormitories or other residential facilities	3	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	3
Arrest for Illegal Weapons Violations	➤ On Campus ***	0	1	0
	➤ In dormitories or other residential facilities	0	1	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Referrals for Liquor Law Violations	➤ On Campus ***	2	4	23
	➤ In dormitories or other residential facilities	17	3	23
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Referrals for Drug Law Violations	➤ On Campus ***	0	3	13
	➤ In dormitories or other residential facilities	3	1	10
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Referrals for Illegal Weapons Possession	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0

Referrals for Illegal Weapons Possession	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
HATE CRIMES/ CLERY ACT CRIMES				
(HC) CRIMINAL HOMICIDE:				
Murder/non-negligent manslaughter	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Manslaughter by Negligence	➤ On Campus	0	0	n/a
	➤ In dormitories or other residential facilities	0	0	n/a
	➤ In or on a non-campus building or property	0	0	n/a
	➤ On public property	0	0	0
(HC) SEX OFFENSES:				
Rape	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Fondling	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Incest	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
Statutory Rape	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
(HC) <2015 Sex Offense "Forcible":	➤ On Campus ***	0	n/a	n/a
	➤ In dormitories or other residential facilities	0	n/a	n/a
	➤ In or on a non-campus building or property	0	n/a	n/a
	➤ On public property	0	n/a	n/a
(HC) <2015 Sex Offense "Non-Forcible":	➤ On Campus ***	0	n/a	n/a

(HC) <2015 Sex Offense "Non-Forcible":	➤ In dormitories or other residential facilities	0	n/a	n/a
	➤ In or on a non-campus building or property	0	n/a	n/a
	➤ On public property	1	n/a	n/a
(HC) ROBBERY	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
<2015 "LARCENY"	➤ On Campus ***	5	n/a	n/a
	➤ In dormitories or other residential facilities	0	n/a	n/a
	➤ In or on a non-campus building or property	0	n/a	n/a
	➤ On public property	2	n/a	n/a
(HC) BURGLARY	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
(HC) MOTOR VEHICLE THEFT	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
(HC) AGGRAVATED ASSAULT	➤ On Campus ***	0	0	0
	➤ In dormitories or other residential facilities	0	0	0
	➤ In or on a non-campus building or property	0	0	0
	➤ On public property	0	0	0
(HC) BODILY INJURY	➤ On Campus ***	0	0	n/a
	➤ In dormitories or other residential facilities	0	0	n/a
	➤ In or on a non-campus building or property	0	0	n/a
	➤ On public property	0	0	n/a
HATE CRIMES/ ADDITIONAL				
Larceny-theft	➤ On Campus	n/a	0	0
	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
	➤ On public property	n/a	0	0
Simple Assault	➤ On Campus ***	n/a	0	0

Simple Assault	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
	➤ On public property	n/a	0	0
Intimidation	➤ On Campus ***	n/a	2	0
	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
Destruction, damage, or vandalism of property	➤ On public property	n/a	0	0
	➤ On Campus ***	n/a	0	0
	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
	➤ On public property	n/a	0	0
	➤ On Campus ***	n/a	0	0
HATE CRIMES/ BIAS CATEGORIES				
Race	➤ On Campus	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
	➤ In or on a non-campus building or property	n/a	n/a	0
Gender	➤ On public property	n/a	n/a	0
	➤ On Campus ***	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
Gender Identity	➤ In or on a non-campus building or property	n/a	n/a	0
	➤ On public property	n/a	n/a	0
	➤ On Campus ***	n/a	n/a	0
Religion	➤ In dormitories or other residential facilities	n/a	n/a	0
	➤ In or on a non-campus building or property	n/a	n/a	0
	➤ On public property	n/a	n/a	0
Sexual Orientation	➤ On Campus ***	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
	➤ In or on a non-campus building or property	n/a	n/a	0

Sexual Orientation	➤ On public property	n/a	n/a	0
Ethnicity	➤ On Campus ***	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
	➤ In or on a non-campus building or property	n/a	n/a	0
National Origin	➤ On public property	n/a	n/a	0
	➤ On Campus ***	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
Disability	➤ In or on a non-campus building or property	n/a	n/a	0
	➤ On public property	n/a	n/a	0
	➤ On Campus ***	n/a	n/a	0
	➤ In dormitories or other residential facilities	n/a	n/a	0
	➤ In or on a non-campus building or property	n/a	n/a	0
	➤ On public property	n/a	n/a	0
VAWA CRIMES				
Dating Violence	➤ On Campus ***	n/a	0	0
	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
Domestic Violence	➤ On public property	n/a	0	0
	➤ On Campus ***	n/a	0	0
	➤ In dormitories or other residential facilities	n/a	0	0
Stalking	➤ In or on a non-campus building or property	n/a	0	0
	➤ On public property	n/a	0	0
	➤ On Campus ***	n/a	0	0
Sexual Assault	➤ In dormitories or other residential facilities	n/a	0	0
	➤ In or on a non-campus building or property	n/a	0	0
	➤ On public property	n/a	0	2
	➤ On Campus ***	n/a	n/a	n/a
	➤ In dormitories or other residential facilities	n/a	n/a	n/a
	➤ In or on a non-campus building or property	n/a	n/a	n/a
	➤ On public property	n/a	n/a	n/a
Unfounded Crimes		n/a	1	0

Additional Information

Columns containing “n/a” pertain to data that was not collected nor recorded, per Clery Act regulations, during that particular calendar year. Columns containing “VAWA” pertain to changes made in the recording and collecting of statistics as a result of the implementation of the Violence Against Women Act (VAWA) in 2013. The passage of this federal legislation resulted in modifications to the classification of certain crimes within the Clery Act.

Unfounded Crimes

The college may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of the full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not result in a crime report becoming "unfounded". The D'Youville College Campus Security Office must report and disclose in its ASR statistics the total number of crime reports of this section that were “unfounded” and subsequently withheld from its crime statistics pursuant to this section.

2016 FIRE REPORTING STATISTICS

RESIDENCE/HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	0	0	0	\$0.00
Student Apartment Complex	222 Connecticut Street Buffalo, NY 14213	0	0	0	0	0	\$0.00

2015 FIRE REPORTING STATISTICS

RESIDENCE/HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	1	12/12/2015 1:25Am	Pot on stove caught fire.	0	0	\$250.00
Student Apartment Complex	222 Connecticut Street Buffalo, NY 14213	0	0	0	0	0	\$0.00

2014 FIRE REPORTING STATISTICS

RESIDENCE/HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	0	0	0	\$0.00
Student Apartment Complex	222 Connecticut Street Buffalo, NY 14213	0	0	0	0	0	\$0.00