

BINGHAMTON
UNIVERSITY
STATE UNIVERSITY OF NEW YORK

**2023 ANNUAL SECURITY
AND FIRE SAFETY REPORT**

(2022 CALENDAR YEAR STATISTICS)

Unless otherwise noted, all policies and procedures mentioned in this document apply at the Binghamton University main campus in Vestal, N.Y., the University Downtown Center Campus in Binghamton, N.Y. and the Health Sciences Campus in Johnson City, N.Y.

Accessibility to Information and Non-Discrimination Policy

The University is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of an individual's 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. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated. Inquiries regarding the nondiscrimination policy may be directed to Karen Jones, Vice President for Diversity, Equity and Inclusion, Binghamton University, LS-G548, Binghamton, NY 13902; Telephone 607-777-4775; Email: kajones@binghamton.edu or to Andrew Baker, Title IX Coordinator, Binghamton University, AD-217, Binghamton, NY 13902; Telephone: 607-777-2486; Email: abaker@binghamton.edu.

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ANNUAL SECURITY AND FIRE SAFETY REPORT PREPARATION

As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, statistics must be compiled and disclosed by the University on certain crimes and student conduct referrals when reported by a person to the New York State University Police at Binghamton (NYSUP), campus official with significant responsibility for student and campus activities, and other individuals identified as Campus Security Authorities (CSAs).

Preparation and dissemination of the Annual Security and Fire Safety Report is coordinated by the University's Clery Act Coordinator, with the assistance of several other offices. Crime statistics are collected from NYSUP, the Office of Student Conduct, the Dean of Students Office and other CSAs. These offices meet periodically throughout the year to identify incidents, eliminate duplicate reports, and discuss what incidents should be included in the annual statistics, as well as how to include them. Each year an email notification is sent to all enrolled students providing the address of the website at which they may access these reports. Faculty and staff are notified of the reports' availability via a Dateline (internal communication) announcement. Prospective students are notified about the availability of the reports via communication from the Admissions Office. Prospective employees are notified of the report's availability through job postings from the Human Resources Office.

A copy of the State University of New York at Binghamton campus crime statistics will be provided, upon request, by NYSUP. Please direct all such requests to the NYSUP at Binghamton at 607-777-2275 or 7-2275 from an on-campus phone, or by electronic mail at bupolice@binghamton.edu. The report is available online at binghamton.edu/student-handbook/asfr.html.

ABOUT THE NEW YORK STATE UNIVERSITY POLICE AT BINGHAMTON

ROLE, AUTHORITY AND TRAINING

NYSUP, Binghamton, operates 24 hours a day, seven days a week, from a central station in the Couper Administration Building (Room G-24). The law-enforcement unit consists of 39 sworn personnel: the chief of University Police, one assistant chief of University Police, two deputy chiefs, five University Police lieutenants, three University Police investigators, and 28 University Police officers including new hires and academy recruits.

NYSUP officers, with full arrest powers, are responsible for enforcing all state, federal and local laws, as well as the rules and regulations of the University. The primary jurisdiction includes the main campus in Vestal, the University Downtown Center in Binghamton, and the Health Sciences Campus in Johnson City. In addition, the department provides a number of other services, including, but not limited to, medical emergency assistance, crisis intervention, crime prevention, locating missing/wanted persons and providing speakers on topics related to law enforcement. The department also assists with coordinating the campus safe walk/ride service and the emergency and blue-light phone systems.

Sworn officers of the NYSUP receive their law enforcement authority from the New York Criminal Procedure Law. Officers receive their training at a NYS Department of Criminal Justice

Services authorized Municipal Police Training Academy.

WORKING RELATIONSHIP WITH LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES

The department maintains a close working relationship with local law enforcement agencies as required by law. These agencies include the Vestal, Binghamton, Johnson City and Endicott police departments, the Broome County Sheriff's Department, the New York State Police, federal law-enforcement agencies and other appropriate criminal justice agencies.

The University has written memorandums of understanding concerning mutual assistance with the agencies listed above.

SAFETY, OUR PRIORITY

We take great pride in the community at Binghamton University and what we are able to provide for our students, faculty, staff and visitors. This is a great place to live, learn, work and study; however, this does not mean that our community is immune to problems that arise elsewhere. Along those lines, we have taken progressive measures to create and maintain a safe environment on campus. Even though our policies, programs and education may seem enough, it is up to each of us to be aware and use reasonable judgment when living, studying, working or visiting on campus.

The University maintains a daily crime log. It is available at the NYSUP Department located at Couper Administration Building. The crime log contains information concerning reported crimes, case numbers, classification of the crime, date reported, date and time occurred, general location and disposition of the crime.

REPORTING CRIMES AND OTHER EMERGENCIES

PROMPT REPORTING OF AN EMERGENCY OR CRIME

Community members, students, faculty, staff and visitors are expected to promptly and accurately report all crimes and public safety-related incidents to the NYSUP, or when the incident occurs off campus, the appropriate local police agency.

Any suspicious activity or person(s) seen in the parking lots loitering around vehicles, inside buildings or around residence halls, or on any campus properties should be reported to police. Crimes should be reported to the NYSUP.

Reporting of crimes and safety hazards may be done in person, at any hour, at the New York State University Police desk located in Room G-24 in the Couper Administration Building. In case of emergency, dial **911 for emergencies** from any campus telephone or 607-777-2222 on a cell phone, or use a blue-light telephone by merely picking up the receiver and speak to a NYSUP communications and security specialist. Non-emergency reports may be made to NYSUP by calling 607-777-2393 or 7-2393 from a campus telephone. This includes times when the victim of a crime elects to, or is unable to, make such a report. **Help make this a safe campus — report promptly.**

If people wish to report a crime and want to remain anonymous, they may report any crime anonymously via the NYSUP website at binghamton.edu/police/anonymous-tips.html. Any crimes that satisfy the Clery reporting requirements will be included in the annual disclosure of crime statistics regardless if the crime is reported through confidential means.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While the University encourages all campus community members to promptly report all crimes and other emergencies directly to the New York State University Police at [607-777-2393](tel:607-777-2393), or to 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” (CSAs). The Act defines these individuals, in part, as “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the University has identified several hundred CSAs at its main campus, we officially designate the following offices as places where campus community members should report crimes:

Students and employees should report criminal offenses to the following campus security authorities for the purpose of making timely warning reports and the annual statistical disclosure:

- Residential Life staff; TU-213, 607-777-2321
- Office of Student Conduct staff; TU-3J, 607-777-6210
- International Student and Scholar Services staff; OH-142, 607-777-2510
- Educational Opportunity Program staff; UU-256/258, 607-777-2791
- Athletics staff, including all coaches, through the director; EC-205C, 607-777-2043
- University Union staff; U UW-205, 607-777-3300
- International Education and Global Initiatives staff; OH-240, 607-777-2336
- Office of Dean of Students staff; U UW-205/204, 607-777-2804
- Student Affairs, Office of the Vice President for; AD-420, 607-777-4787
- Human Resources; AD-244, 607-777-2187
- Title IX Coordinator, Andrew Baker; AD-217, 607-777-2486

Please note that these offices allow victims and witnesses to report crime on a voluntary basis. Reports of this nature may be filed with the NYSUP for informational purposes and inclusion in the annual disclosure of crime statistics. Counselors at the University Counseling Center and pastoral counselors affiliated with the Binghamton University Interfaith Council who are informed by persons they are counseling of the commission of a crime may also inform that person that crimes may be reported on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The New York State University Police at Binghamton promptly investigates all reports of crimes and matters of personal safety. This includes reports of violent felony offenses* as well as reports of missing persons. Where a joint investigation is necessary, NYSUP officers work in full cooperation with local law enforcement agencies. Regarding this, memorandums of understanding with agencies of joint jurisdiction have been established.

*as defined in Section 70.02 of the NYS Penal Law

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Binghamton University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Binghamton University students and recognized student organizations off campus.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The University may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to affect a substantial University interest, as defined in the University Off-Campus Misconduct Policy at binghamton.edu/student-handbook.

ONLINE (ANONYMOUS) REPORTING

Information relating to the investigation of a crime can be passed on anonymously to NYSUP through an online reporting form available at binghamton.edu/police/anonymously-tips.html.

Information relating to dating violence, domestic violence, stalking, sexual assault, and sex-based discrimination can be submitted anonymously to the Title IX Coordinator’s Office using an online form found here: binghamton.edu/services/title-ix/.

POLICY ON TIMELY WARNING REPORTS

In the event of a significant emergency, or if there is an event that poses a threat to students, employees or others, a “campus alert” will be prepared and posted to the University’s emergency alert page: binghamton.edu/alert/.

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the NYSUP issues “Timely Warnings.” The University will issue a Timely Warning for all Clery Act crimes that occur on reportable geography that are: 1. Reported to campus security authorities or the New York State University Police at Binghamton University; and 2. Considered by the institution to represent a serious or continuing threat to students and employees. The University may also issue a Timely Warning for non-Clery Act crimes that pose a serious or continuing threat to the campus community. Note: The University is not required to provide a Timely Warning for non-Clery Act crimes or for crimes reported to a professional or pastoral counselor.

NYSUP will distribute these warnings through a variety of ways, including but not limited to emails and media. The University also has the ability to send text message alerts to those who register their cell phone numbers.

The purpose of a Timely Warning is to alert the campus community of potentially dangerous criminal situations and provide information necessary to take appropriate precautions.

The chief of University Police will generally make the determination, in consultation with other University offices, if a Timely Warning is required. However, in emergency situations, any police supervisor may authorize a Timely Warning. For incidents involving off-campus crimes, the University may issue a Timely Warning if the crime occurred in a location used and frequented by the University population.

EMERGENCY RESPONSE, EVACUATION PROCEDURES, EMERGENCY NOTIFICATION

EMERGENCY MANAGEMENT

The Office of Emergency Management (OEM) assists departments and campuses with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies. The OEM is responsible for assisting with and coordinating the University’s overarching mitigation, preparedness, response and recovery programs.

Binghamton University maintains a comprehensive emergency response plan that is available online at binghamton.edu/emergency/emergency-response-plan/. This plan details the policies and procedures the University will take when preparing for, responding to and recovering from emergency incidents or other unplanned events. Included within the plan are the following elements:

TEST EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Binghamton University shall conduct annual tests of response and evacuation procedures in the following manner(s):

Preparedness Procedures:

- Annual tabletop and/or functional exercises of the Incident Management Team

Response Procedures:

- Annual NYSUP in-service training/drills

Evacuation Procedures:

- EH&S managed evacuation drills (every campus building, 3–4 times per year)

For announced tests, advanced notification will be made through B-Line and Dateline public announcements.

EMERGENCY NOTIFICATION SYSTEM

In the event a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency.

RESPONSIBILITIES

OFFICE OF EMERGENCY MANAGEMENT (OEM)

Shall provide oversight, management and coordination of the University’s emergency notification system. The Office of Emergency Management shall partner with NYSUP to ensure compliance with applicable federal, state and local laws pertaining to emergency notification and warning requirements. The OEM may initiate a B-ALERT for any immediate or imminent threat to the campus community.

NEW YORK STATE UNIVERSITY POLICE (NYSUP)

The NYS University Police shall participate in the emergency notification and warning system. NYSUP may initiate any B-ALERT

for any immediate or imminent threat to the campus community. NYSUP shall partner with OEM to ensure compliance with applicable federal, state and local laws pertaining to emergency notification and warning requirements. NYSUP shall be responsible for all Clery Act “Timely Warnings.”

COMMUNICATIONS AND MARKETING

Shall participate in the emergency notification and warning system. Communications and Marketing may disseminate a B-ALERT emergency message via delivery methods under its operational control.

EMERGENCY NOTIFICATION (ELECTRONIC AND CELLULAR)

Binghamton University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. The University will notify the campus community upon confirmation of an emergency or dangerous situation. The University uses the emergency notification system RAVE to provide alerts via B-ALERT. B-ALERT is an emergency notification service available to students, faculty and staff. B-ALERT is a closed, hybrid opt-in/opt-out system.

B-ALERT can be used to send emergency messages within minutes of the occurrence of an incident. Alerts sent by B-ALERT are simulcast to the University community via multiple means.

Binghamton University utilizes multiple methods of communicating emergency information. Available techniques for communicating critical information include the following methods:

- Text/electronic messaging (B-ALERT)
- Outdoor siren/public address system
- Alertus Mobile App
- Alertus Desktop Alerts
- Electronic LED message boards
- Campus voicemail
- University webpage
- University email listservs (i.e., B-Line and Dateline)
- Campus and local television and radio
- Mobile public address systems (vehicle mounted)

The use of these systems will be determined on an individual basis depending on the emergency situation that arises. Use of the systems shall be limited to the acceptable use policy of the University (Emergency Notification Plan, Annex 4).

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY NOTIFICATION SYSTEM

(from Annex 4 - Emergency Notification Plan - Emergency Management)

BINGHAMTON UNIVERSITY EMERGENCY ALERT SYSTEM POLICIES AND PROCEDURES

1. PURPOSE

The purpose of this policy is to define use of the Binghamton University Emergency Alert System. This system has multiple alert components intended to improve emergency communications between the University's administration and Binghamton University students, staff, faculty and visitors. This document will establish the protocols to be taken in case of an emergency in order to promote the safety of everyone on campus. The Emergency Alert System includes:

- Text/electronic messaging
- Outdoor siren(s)
- Alertus Mobile App
- Alertus Desktop Alerts
- Electronic LED message boards
- Campus voicemail
- University webpage
- Campus and local television and radio
- Mobile public address systems (vehicle mounted)

2. ACCEPTABLE USE OF THE EMERGENCY ALERT SYSTEM

The Binghamton University Emergency Alert System shall only be initiated within the acceptable use criteria listed below. Warnings and instructions related to emergency conditions:

- Bomb Threat – There is intelligence to indicate the threat is credible (e.g., potential device has been located).
- Civil Disturbance – A demonstration by a large group that is disrupting normal activities and/or showing signs of aggressive behavior.
- Fire – Any fire that is potentially placing lives in danger.
- Hazardous Material Release – A dangerous material (i.e., chemical, biological or radiological) that is spreading from a contained area and/or causing lives to be placed in danger.
- Major Road Closing – An unanticipated closure that could disrupt safe passage to and from campus.
- Medical Emergency – Confirmed contagious disease constituting a campus-wide threat (i.e., pandemic)
- Physical Assault – Weapons used, significant violence, perpetrator(s) at large (e.g., active shooter; hostage situation)
- Suspicious Package – A package that is believed to have the potential to cause injury to a wide spectrum of lives or property.
- Utility Failure – A major disruption of utilities and or possible damage (i.e., gas, electrical, water, etc.)
- Severe Weather – Any severe weather that has the potential to cause injury to lives or property (i.e., flooding, thunderstorm, wind, tornado, snow/ice/cold, etc.)
- Missing Person – If activation of the system has the potential

to assist in locating the missing person. Alert for this type of incident shall be limited to the communication devices most appropriate for disseminating information. The outdoor siren should not be used for missing persons.

- Other, Life-Threatening – Any other condition where lives are in immediate danger and the Emergency Alert System has the potential to reduce the potential of harm.
- “All Clear” and/or additional follow-up messages pertaining to end-of-event. For example: When an alert has been issued due to a potentially severe storm in the area, an “All Clear” message could be sent when the danger has passed.
- General notifications of a non-emergency nature shall NOT be permitted via the Emergency Alert System. The use of the system shall be limited to emergency events only.

3. ACTIVATION OF THE EMERGENCY ALERT SYSTEM

In order to activate the Emergency Notification System, the following procedures shall take place:

- When a potentially dangerous situation is identified by any member of the campus community, University Police must be immediately notified by calling 911 (from a campus phone) or 777-2222.
- The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- Any NYSUP Dispatcher, NYSUP lieutenant, investigator, chief officer, or member of OEM staff is authorized to activate the system when he/she reasonably believes a potentially dangerous situation is occurring. This may be a result of multiple 911 phone calls that appear to confirm the situation, or a field report from a trusted source.
 - For situations where existing policies or past practices do not provide clear direction, the dispatcher may press the Alertus “On-Call Admin” button. When pressed, several administrators will be immediately notified and directed to contact the NYSUP dispatch center to provide immediate consultation.
 - Situational awareness may be gathered from a variety of sources in order to gather information to help make the decision to activate the system. Likely sources of information include, but are not limited to, NYS University Police, the Office of Emergency Management (OEM), senior administrators, Physical Facilities, Environmental Health & Safety, Broome County Office of Emergency Services (OES), etc.
- As practical, without jeopardizing life safety, the following individuals or entities may be consulted prior to emergency message dissemination.
 - a. President's Office
 - b. Vice President for Operations
 - c. Member of the Senior Officer's Group
 - d. Executive Director, Office of Emergency Management

- e. Chief of Police
- f. Senior Director of Communications and Marketing
- g. Police Supervisor on duty
- Outdoor Siren – The outdoor siren should only be used when the OEM and/or NYSUP administration want individuals to seek shelter inside a building (shelter-in-place). The siren directs people to take immediate shelter inside the nearest building and, depending on the nature of the emergency, this action may not be appropriate. The Binghamton University campus should be educated to shelter-in-place and seek additional information when the outdoor siren is heard.

4. DRILLS

- Drills shall be conducted as often as OEM staff determines appropriate in order to ensure that the system is effective and operational. The drills shall serve as a functional test of the systems, as well as an educational tool for the Binghamton University community. There would be two types of tests, an administrative test and a functional test which could be done together.
- Administrative test – will test how much time it takes to get emergency information from the dispatcher or senior ranking police officer to the OEM and/or NYSUP administration (i.e., chief officers) and from them, to Communications and Marketing, and to other agencies such as Physical Facilities and Telecommunications.
- Functional test – will test the Emergency Alert System by broadcasting to students, staff and faculty a non-emergency message informing them of the test and providing information regarding what to do if this had been an actual emergency.
- Following the administrative and functional test, the OEM administration would meet with representatives from appropriate stakeholders to discuss quality improvement of the Emergency Notification System and procedures. Documentation of each test, including a description of the exercise, the date, time, and whether it was announced or unannounced will be maintained by the Office of Emergency Management.

5. REGISTRATION

Several emergency communication components require registration in order to receive notifications.

- B-ALERT Text messaging
- Alertus Smartphone Notification Application
- Alertus Computer Desktop Notification

All individuals with a binghamton.edu email address are automatically registered into the B-ALERT system. Individuals are not allowed to opt-out of the email portion of the system.

To receive text alerts, users must provide a valid cellular telephone number capable of receiving text messages. Binghamton University uses an automated process that “forces” individuals to either provide a cellular number or to decline to participate in the service. This automated system is linked with the BU BRAIN academic portal and the process occurs at the beginning of every academic semester.

6. EDUCATION

In order to educate the existing students, faculty and staff, Communications and Marketing shall use appropriate methods to communicate with the campus community. Possible methods include the University website, Dateline, B-Line, *Pipe Dream*, etc.

- When drills are conducted, messages describing the Emergency Alert System and steps to take if it were a real emergency should be used.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

Campus and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification.

The titles of the person(s) or organization(s) responsible for carrying out these actions are those identified in Section 3: Activation of the Emergency Alert System of this document.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the mass notification system contains pre-scripted templates for the most-probable or highest-impact emergencies. These messages identify the situation, allow for input of the location and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template.

In those cases where there are no predetermined templates in the system, the individual may use the “custom” template to craft a specific message. The goal is to ensure people are aware of the situation and know the steps to take to stay safe.

In addition to the pre-scripted messages, Binghamton University utilizes multiple momentary push buttons capable of quickly activating emergency notification systems. These buttons are located in the NYSUP 911 dispatch center.

ALERTUS BUTTON MESSAGES

SHOTS FIRED

- B-ALERT: Unconfirmed report of gunshots at Binghamton Univ. Move indoors-secure doors now. Police are responding. RUN-HIDE- FIGHT. Monitor B-ALERT for info.

VIOLENCE

- B-ALERT: A violent incident has been reported on or near Binghamton Univ. Police are responding. Move indoors – Secure doors now. Monitor B-ALERT for info.

EMERGENCY

- B-ALERT: An emergency has been reported at Bing Univ. Police are responding. Move indoors – secure doors now. Monitor B-ALERT for additional info.

TORNADO*

- B-ALERT: A tornado warning has been issued for Binghamton Univ. Move indoors now. Hillside residents MUST EVACUATE. See B-ALERT email for vital evacuation info.

**This button shall only be used when there is a credible threat of a tornado touching down on Binghamton University property. The button SHALL NOT be pressed merely if the National Weather Service issues a Tornado Warning. Typically, a phone call from an administrator will be received before this button should be pressed. However, a dispatcher may use his/her judgment based upon current weather conditions and field reports.*

TEST

- B-ALERT: This is a test of Binghamton University’s Emergency Alert system. No action is needed at this time. More information at binghamton.edu/alert.

Outdoor Siren

- The outdoor siren should only be used when individuals should seek shelter inside a building (shelter-in-place). The siren directs people to take immediate shelter inside the nearest building and, depending on the nature of the emergency this action may not be appropriate.

The titles of the person(s) or organization(s) responsible for carrying out these actions are those identified in Section 3: Activation of the Emergency Alert System of this document.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY (I.E., INDIVIDUALS AND ORGANIZATIONS OUTSIDE THE CAMPUS COMMUNITY)

If the campus activates its Emergency Notification System in response to a situation that poses an immediate threat to members of the campus community, the appropriate offices at the campus will notify the larger community about the situation and steps the campus has taken to address the emergency. The Office of Communications and Marketing provides updates on Facebook, Twitter and other social networking platforms and maintains communications with news outlets, distributes press releases and schedules press conferences.

PUBLICATION OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES

These procedures are available on the University website at binghamton.edu/ehs/fire-prevention/evacuationprocedures2018.pdf and binghamton.edu/emergency/emergency-response-plan/index.html.

IMMEDIATE EMERGENCY RESPONSE

All emergencies on the Binghamton University campus shall be reported to NYSUP at 911 from a campus phone, or 607-777-2222 from a cell phone. Non-emergency inquiries may be made to NYSUP at 7-2393 (from a campus phone) or 607-777-2393 from a cell phone (Comprehensive Emergency Management Plan, Annex 8 – Emergency Reporting). Upon notification of an emergency incident, Binghamton University first responders and emergency

operation center staff shall follow the National Incident Management System (NIMS) for the response and management of all emergency incidents (emergency response plan, Introduction).

IMMEDIATE EVACUATION PROCEDURES

In compliance with New York State laws, Binghamton University conducts evacuation drills at least four times per academic year in every residential building and three times annually in non-residential buildings. These drills are conducted by the office of Environmental Health and Safety (EH&S). EH&S works with all departments on campus to develop and enhance evacuation plans.

BUILDING OCCUPANT EVACUATION RESPONSIBILITIES

- Immediately obey evacuation alarms and orders to evacuate. Tell others to evacuate.
- No one may remain inside a building when an evacuation is initiated.
- Classes in session must evacuate.
- Close windows and doors as rooms are vacated.
- Proceed calmly but quickly to the nearest emergency exit.
- Use stairways to evacuate if able to do so.
- Follow the evacuation route directly to the designated evacuation muster point.
- Do not reenter the building until authorized emergency personnel give the “all clear” instruction. In the event that the building cannot be occupied for an extended period of time, University Police, Environmental Health and Safety or other authorized personnel will provide additional direction.

Additional information on evacuation procedures can be found here: binghamton.edu/emergency/emergency-response-plan/annex-24.html

WHERE TO CALL FOR HELP

University personnel will inform the individuals of their option to notify both the University and local police departments and will assist in reporting any crime to the appropriate agency.

Tip Line (INFO)	police@binghamton.edu
Dean of Students Office	607-777-2804
Disciplinary Information (Office of Student Conduct)	607-777-6210

Domestic Violence:

Crime Victims’ Assistance Center (24-hr. crisis line)	607-722-4256
(office)	607-723-3200
Interpersonal Violence Advocate in the Dean of Students Office	607-777-2804
Rise-NY (formerly SOS Shelter)	607-754-4340
SAFE Ride Service, Campus	607-777-7233
Walking Escort Service, Campus	607-777-2393
Human Rights, New York State Division	607-721-8467

Legal Assistance:

Broome Lawyer Reference Service	607-723-6331
District Attorney	607-778-2423
Mediation: ACCORD	607-724-5153

Sexual Assault Resources:

Crime Victims’ Assistance Center Crisis Line (24-hour crisis line).....	607-722-4256
Office number (non-emergency)	607-723-3200
Interpersonal Violence Advocate in the Dean of Students Office.....	607-777-2804
University Counseling Center.....	607-777-2772
Decker Student Health Services Center	607-777-2221

Sexual Harassment Resources:

Crime Victims’ Assistance Center.....	607-722-4256
NYSUP	607-777-2393
Division of Diversity, Equity and Inclusion	607-777-4775
Interpersonal Violence Advocate in the Office of the Dean of Students	607-777-2804
University Ombudsman.....	607-777-2388
University Counseling Center	607-777-2772
University Title IX Coordinator (Andrew Baker, Couper Admin. Bldg. 217, abaker@binghamton.edu)	607-777-2486
Violence, Abuse and Rape Crisis Center (VARCC).....	607-777-3010

ASSISTANCE FOR VICTIMS – PROCEDURE STATEMENT FOR SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties; publicly available record keeping, including Clery Act rights and reporting options and disclosures, without inclusion of personally identifying information about the victim if so requested;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community including counseling, physical health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services for victims;
- a statement regarding the institution’s provisions about options for, available assistance in and how to request accommodations and protective measures including maintaining such confidentiality that would not impair the ability of the University to provide the accommodations or protective measures; and
- an explanation of the procedures for institutional disciplinary action.

PHYSICAL SECURITY

In addition to NYSUP officers, who are on patrol year-round, uniformed security service assistants (building guards) provide physical security by patrolling campus grounds. Building guards are in radio contact with NYSUP and are responsible for reporting

emergencies, fire safety violations and violations of law and campus rules and regulations. Guards patrol both residence halls and academic buildings. In addition to mobile and foot patrols, NYSUP officers patrol the campus on police-equipped mountain bicycles.

Annually the University distributes a survey to all department leadership inquiring about potential risk factors in their specific work location and soliciting their involvement in the annual process. Teams of employees that include NYSUP conduct site visits which are determined by the response to the survey. During the site visit, teams review the survey results, walk the work space with the department designee and solicit information regarding additional concerns related to workplace safety. Additionally, the annual survey is sent to all faculty and staff regarding workplace violence and workplace safety.

Incidents of violence, threats of violence or observations of violence in the University community are not to be ignored by any member of the University community. Workplace violence should promptly be reported to NYSUP and/or Human Resources. Additionally, all members of the University community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment.

Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons should call the NYSUP immediately:

- Campus telephone: 911
- Cell phone or off-campus telephone: 607-777-2222
- Blue light telephones located on campus: Dialed automatically by picking up the receiver

Employees should then notify their supervisor.

Employees are expected and strongly encouraged to report any threat or act of violence that they have witnessed, received or been informed of to NYSUP and their supervisors. Every threat should be reported to best maintain safety for the entire campus community. Any individual who makes a threat, exhibits threatening behavior or engages in violent acts on University property may be subject to removal from the premises as quickly as safety permits.

University offices to contact regarding workplace violence:

- New York State University Police 607-777-2222
- Counseling Center 607-777-2772
- Dean of Students Office 607-777-2804
- Employee Assistance Program 607-777-6655
- Human Resources 607-777-2187
- Office of Student Conduct 607-777-6210
- University Ombudsman 607-777-2388

MAINTENANCE OF CAMPUS FACILITIES

NYSUP regularly tests the emergency phones that are connected directly to NYSUP and submits work orders for repairs. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs, or upon physical changes of office space and equipment, when requested by an administrator. Many residence halls, state buildings, offices, laboratories, computer rooms and areas on campus have card access, alarms and closed-circuit television systems installed.

ACCESS TO BUILDINGS AND FACILITIES

Members of the campus community, as well as guests and visitors, have access to most campus buildings and facilities Monday–Friday (limited hours may be designated for weekends) at times when the University is normally in operation. Exterior doors on campus buildings are secured each evening by NYSUP and/or Physical Facilities personnel. Access to some of these buildings is also controlled by card access after normal business hours. Door and security problems are reported on a daily basis.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

These Binghamton University policies, procedures and programs have been developed and implemented to help create a secure environment for the campus community. Because personal safety is a shared responsibility, “Together for a Safe Campus,” an ongoing educational outreach program sponsored by NYSUP and the Division of Student Affairs, encourages students, faculty and staff to become more aware of, and responsible for, their personal safety.

Faculty, staff and graduate and teaching assistants are required to take annual compliance training in workplace violence prevention.

CRIME PREVENTION ACTIVITIES

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, NYSUP and offices within the Division of Student Affairs hold more than 150 educational programs each year on a variety of topics, including personal safety awareness and security, rape awareness/Rape Aggression Defense (RAD) training, alcohol and other drug abuse and anti-theft programs. Information on safety and security is provided to students and employees via seminars, videos, crime-alert posters, brochures, University and student newspapers or upon request.

During Orientation, programs are presented that address alcohol and drug use, sexual assault, bias-related crimes and other personal safety topics.

Students and employees are also informed of many personal safety services and programs available on campus, which include a campus safe ride service, rape counseling, mental health services, fire safety and emergency medical response. Services available through the NYSUP Department throughout the year include motorist assistance, lost-and-found and assistance with class projects.

Local law enforcement agencies make annual reports and crime information from their jurisdictions available at the following links:

Binghamton: <https://www.binghamton-ny.gov/government/departments/police-department>

Johnson City: <https://jcnypd.org/annual-reports>

Vestal: https://www.vestalny.com/departments/police_department/town_of_vestal_police_department_annual_report.php#revize_document_center_rz346

SAFE RIDE PROGRAM 607-777-SAFE(7233)

Transportation and Parking Services offers a Safe Ride program for the campus community. Members of the campus community are able to request safe transportation on the main campus, free of charge, by calling 607-777-7233. Safe Ride operates from 11 p.m. to

3 a.m., seven days a week during the fall and spring semesters. During the summer, the Safe Ride line is forwarded to the University Police as the volume of requested rides is much lower.

SAFE WALK/RIDE SERVICE (607-777-2393)

NYSUP officers are available 24 hours a day to escort persons on request.

BLUE-LIGHT TELEPHONES

There are blue-light telephones at strategic locations near campus roadways, sidewalks, parking lots and residence halls. A blue light mounted above the phone makes each phone easy to see. Direct contact with NYSUP is established as soon as the receiver is lifted. The dispatcher immediately knows the location of the caller and can dispatch a mobile patrol to the location of the call. Even if the caller is unable to speak, an officer will still respond to the location of the call.

SECURITY IN RESIDENCE HALLS

Residence halls are locked 24 hours per day. Residence Life staff are on-call through a duty system from 5 p.m. –8 a.m. weekdays and 24 hours/day throughout the weekend. Live-in duty staff make “rounds” during the evening to check such safety and security concerns as propped doors, missing or expended fire extinguishers, or strangers in the building. University policy prohibits students from propping open residence hall exit doors; such violations of policy are referred to the Office of Student Conduct for action (see explanation of Procedures for Review of Student Conduct).

SECURITY ACCESS TELEPHONES

Security access telephones are located outside the main entrance of each residence hall. Guests, visitors or delivery persons may call students to let them know they are waiting outside the hall. Residents are responsible for meeting such callers and escorting them while they are in the building. Emergency telephones are also located in elevators across campus.

KEYS

Residents should keep their rooms, suites or apartments locked at all times. Re-keying of doors is required when keys are lost or stolen. Residents are responsible for all keys issued to them and should report lost or stolen keys immediately.

GATE GUARD

The only accessible entrance to campus after midnight is on Glenn G. Bartle Drive. All vehicles admitted to campus from 12 a.m.–5 a.m. must have a vehicle currently registered with Transportation and Parking Services, show a valid Binghamton University ID or be hosted by a member of the University community.

LIGHTING AND MAINTENANCE

Exterior lighting in parking lots, along pedestrian walkways and in areas around buildings helps promote campus safety. Light poles are numbered to facilitate the reporting of any problems to Physical Facilities (607-777-2226). A lighting survey is conducted annually to assess campus needs and to plan for the future. Shrubbery, trees and other vegetation are trimmed on a regular basis.

MISSING STUDENTS

The Higher Education Opportunity Act of 2008 (effective August 14, 2008) requires any institution participating in a Title IV federal student financial aid program that maintains on-campus housing facilities to establish a missing student notification policy and related procedures. In 2010, U.S. Department of Education (ED) regulations on notification requirements took effect with the reauthorization and expansion of the Higher Education Opportunity Act (HEOA).

These regulations apply to all institutions participating in the Title IV federal student financial aid program. They are triggered when a student residing in on-campus housing at a U.S. or foreign campus of the institution is missing for at least 24 hours. The regulations do not apply to students who live on campus in the U.S. but are temporarily residing off campus in study-abroad programs.

The NYSUP at Binghamton adheres to the NYSLEAP definition of a missing person, found in Accreditation Standard 44.3, which states “A person may be declared missing when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject’s behavior, patterns, plans, or routines.” There is no required waiting period for reporting a missing person. Any missing student report must be referred immediately to the NYSUP at Binghamton.

The following policy and related procedures are Binghamton University’s official Missing Student Policy. When it is determined that a student is apparently missing from the University, University staff, in collaboration with campus and local law enforcement, will be guided by this Missing Student Policy and standing operating procedures to locate the student.

NYSUP at Binghamton University must be notified if a student is reported missing. They may be contacted at 607-777-2222 from a cell or off-campus phone, or 911 from a campus phone. Residential Life staff may also be contacted in the student’s residence hall or at the Residential Life central office by calling 607-777-2321. Residential Life staff will forward all reports to the NYSUP.

Residential students are provided the opportunity annually to identify a person whom the University shall notify within 24 hours of the determination that the student is missing. This person’s contact information will be kept confidential and is accessible only to authorized campus officials and may not be disclosed except to law enforcement personnel in furtherance of a missing student investigation.

If NYSUP determines that a student living in on-campus housing is missing, an investigation will begin and within the next 24 hours they will:

- Notify the person who has been identified by the student to be contacted if they become a missing student (if one has been identified)
- Notify a parent or guardian if the student is under 18 years old and not emancipated
- Notify appropriate off-campus law enforcement agencies, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction will be notified.

PERSONAL SAFETY ADVISORY COMMITTEE

Comprising faculty, staff and students, this group reviews current policies, procedures and programs and makes recommendations for their modification. It also discusses issues of mutual concern related to safety and security on campus.

OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

The EH&S Office inspects campus facilities and audits campus activities to assure compliance with applicable health and safety codes mandated by federal, state and local governments. Contact: Decker Student Health Services Center, Ground Floor Room 101, 607-777-2211.

PROCEDURE STATEMENT FOR SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

Binghamton University will not tolerate acts of sexual assault, dating violence, domestic violence or stalking. The University will investigate allegations of sexual assault and take appropriate student conduct, criminal and/or other legal action. Students who are victims have legal and health needs in addition to psychological needs related to the trauma from the assault. The primary purpose of crisis counseling with these victims is to help them be and feel safe and re-establish control in their lives. In regaining control, the victim will need to make decisions about evidence collection, filing reports with appropriate law enforcement and healthcare agencies. As confidential reporting sources, the Decker Student Health Services Center and the University Counseling Center strongly adhere to confidentiality policies and do not report crimes shared by victims without authorized permission. However, they strongly endorse and support victims through reporting crimes to appropriate law enforcement agencies and/or Office of Student Conduct officials. In addition, resources, both on and off campus, are provided to all victims.

In particular, victims are encouraged to seek medical attention and treatment. Victims are informed about the sexual assault forensic exam and ways to access resources. Options of on- and off-campus reporting are also explored with the victims.

As soon as possible, the victim should report the incident to the NYSUP, the local police (if off campus) or University faculty or staff members. The victim is encouraged to preserve any physical evidence of the assault. This may include a voluntary medical examination, not showering or not disposing of any clothing or other items that are present after/during the assault; not changing clothing (including socks and shoes), bathing, showering or using the bathroom, brushing their teeth, washing their face or hands, combing their hair or drinking liquids. Victims are encouraged to contact any law enforcement agent by calling 911 after a sexual assault for crime investigation, referral or transport for medical treatment and referral to crisis counseling and legal advocacy. NYSUP, with the victim’s consent, will immediately conduct a criminal investigation of the reported crime. They will also contact a crisis counselor immediately if the victim wishes.

Student conduct sanctions may be imposed on recognized individual students or student organizations.

University sanctions following campus disciplinary procedures depend on the outcome and may include suspension or expulsion. Every effort will be made to criminally prosecute perpetrators. The claimant and the respondent are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both shall be informed of the outcome of the proceeding.

The University will assist the victim in changing academic, living, working and transportation situations if so requested and if such changes are reasonably available.

When Binghamton University receives a report on dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on- or off-campus, we will provide written notification to student victims that includes information on:

- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
- existing on- and off-campus resources available for victims:
 - University Counseling Center 607-777-2772
 - Dean of Students Office 607-777-2804
 - Employee Assistance Program 607-777-6655
 - Human Resources 607-777-2187
 - Office of Student Conduct 607-777-6210
 - University Ombudsman 607-777-2388
 - Crime Victims Assistance Center 607-722-4256
 - National Sexual Assault Telephone Hotline 800-656-4673
- how and to whom the alleged offense should be reported.
- options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to decline to notify such authorities.
- Information about and assistance with obtaining and enforcing orders of protection, “no contact” orders, and other similar protective measures, if applicable.

WHAT TO DO

STUDENTS

If you become the victim of any one of these offenses — sexual assault, dating violence, domestic violence or stalking — on or off campus and you are a student, **KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT AND YOU ARE NOT ALONE:**

- Get to a safe place. If you are unsure where to go or can think of nowhere that is safe at this time, consider calling NYSUP (or local police if off campus) at 911. Campus Residence Life or Student Life staff can help with housing arrangements as well.
- Consider asking a trusted friend or relative to be with you for support.
- Seek medical attention as soon as possible. You may need basic medical treatment for injuries and you may have injuries of which you are unaware. You also may be at risk of acquiring

a sexually transmitted infection and women may be at risk for pregnancy. Trained staff from the Decker Student Health Services Center at 607-777-2221 or local hospital emergency room personnel can speak with you about all of the medical options available and provide information about a sexual assault forensic examination. In emergencies, call Harpur’s Ferry Student Ambulance Service at 911 or 607-777-3333.

- Seek emotional support from the University Counseling Center at 607-777-2772, Decker Student Health Services Center at 607-777- 2221, the Dean of Students advocate at 607-777-2804 or the local Crime Victims Assistance Center at 607-722-4256 (24-hour hotline) 607-723-3200 (office).
- Preserve all evidence of the incident. If you choose to file a report with the police, it is important that you: Do not shower, bathe, douche, wash your hands, brush your teeth, drink, eat or use the restroom or change or destroy clothing — all these things can destroy evidence that may be helpful in a criminal investigation; however, if you have done any of these things since the incident, evidence can still be collected.
- Do not straighten up or remove anything from the area.
- Write down as much as you can recall about the incident and the people involved.
- Seek some form of emotional support. While taking care of your physical needs may be the first step in taking care of yourself, it is important not to neglect the emotions you may be experiencing as a result of the assault, violence or stalking. University counseling services have employees who are specially trained to assist students with recovery and healing. EAP services are available for employees. Contact EAP at 607-777-6655 or for additional help outside normal business hours contact the 24-hour NYS EAP at 1-800-822-0244.
- It is your choice to determine when and in what manner you recover from the event. Give yourself the time you need and know that it is never too late to get help.
- Additional resources and information are available from the University Title IX Coordinator, Dr. Andrew R. Baker (abaker@binghamton.edu Couper Administration Bldg. 217, (607) 777-2486.

All students who reported an incident will receive a Maxient (electronic) letter, which includes the following information:

- Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to decline to notify such authorities; and
- Where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, “no contact” orders, restraining orders or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.
- The University will provide victims options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

- Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

EMPLOYEES

There are several offices where employees can report that they have been a victim of dating violence, domestic violence, sexual assault or stalking:

- NYSUP, AD-G24, 607-777-2393
- Division of Diversity, Equity and Inclusion, LS-G548, 607-777-4775
- Employee Assistance Program, AB-110A, 607-777-6655
- Office of Human Resources, AD-244, 607-777-2187
- University Title IX Coordinator, Andrew Baker, AD-217, 607-777-2486
- Local police agency where the incident occurred, if off campus

For employees who report that they have been a victim of dating violence, domestic violence, sexual assault or stalking, the University will: provide the victim with a list of local resources for crime victims; work with the victim regarding a leave from work, time and attendance, payroll and benefits; work with NYSUP to coordinate actions on campus to enhance the safety of the victim.

Actions for discipline taken by the Office of Human Resources are governed by bargaining unit contracts. Each bargaining unit has a contract that outlines the discipline process for employees who are members of their unit. Penalties can include fines, counseling, suspension and termination.

In instances where it is alleged that a state employee has committed acts of dating violence, domestic violence, sexual assault or stalking, the employee may immediately be removed from campus and relocated to an alternate work location off of Binghamton University property. The Office of Human Resources will conduct an investigation into the allegations. The discipline process will be initiated according to the steps outlined in the contract of the bargaining unit to which the accused employee belongs. Once the investigation is complete, Human Resources will issue a disciplinary penalty if deemed appropriate. Human Resources will inform the victim of the results of the investigation to the extent allowable for confidential personnel matters.

In instances where an employee has been arrested or charged by local, state or federal law enforcement for any crime, the Office of Human Resources conducts its own investigation.

Retaliation against members of the University community who make good faith reports regarding potential University-related violations of laws, regulations or University policies is prohibited.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING PREVENTION PROGRAMS

Binghamton University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act. These acts will not be tolerated. Programs to prevent dating violence, domestic violence, sexual assault, and stalking are provided to incoming students during the mandated interpersonal violence educational

programming held during Move-in Weekend. Programming is also offered to the general student population and campus community. All programming is informed by best practices, inclusive, culturally relevant and responsive to the Binghamton campus community.

20:1 Prevention Program Internship – Dean of Students trains peer educators to provide sexual assault, dating/domestic violence, stalking prevention education, bystander intervention training, healthy relationship, risk reduction with special attention to predatory behaviors to various campus groups and constituents.

Interpersonal Violence, Stalking and Sexual Assault Prevention Programs:

Awareness Prevention Programs:

20:1 Prevention Programs provides events throughout the year that are open to the student body at Binghamton. These events include:

- **20:1 Talks** – Peer educators lead group discussions to engage peers in healthy conversations about current interpersonal violence topics with the goal of changing campus culture.
- **In Their Shoes: Teens and Dating Violence** – In Their Shoes is an interactive program in which participants engage in interpersonal violence scenarios by becoming one of six characters who experience sexting, pregnancy, homophobia and stalking. The program increases understanding of the impact of interpersonal violence and creates empathy.
- **#Love Better Tabling event** – The One Love Foundation #LoveBetter Campaign accentuate the contrast behaviors associated with unhealthy relationships. The program increases awareness about unhealthy patterns of behavior in relationships.
- **Home For the Holidays Tree:** 20:1 decorated a tree addressing dating violence and sexual assault as part of a community wide holiday event at the Roberson Museum.
- **Dragon Panel Project:** Brings awareness to interpersonal, political and hate violence against women of color. Each panel tells the story of a woman of color who has been a victim while putting a face to their struggle.
- **Roll Red Roll:** A video based discussion program that untangles the societal norms that allow a “boys will be boys culture”, toxic masculinity and allowing rape culture and sexual violence to continue. Utilizing this documentary about the Steubenville gang rape, this program explores victim blaming, bystander intervention, institutional betrayal and rape culture.
- **Social Media:** Through the use of social media, students receive messaging about sexual assault prevention, dating violence, healthy relationships, stalking and bystander intervention.
- **Sexpalooza:** At this sex positive event at Binghamton University, consent programming is provided, specifically addressing affirmative consent during BDSM activity.
- **This is For US:** As part of Sexual Assault Awareness month 20:1 sponsored a night of healing, with a bonfire and smores for victim/survivors to symbolically burn memories or thoughts about their trauma that they wanted to get rid of. This was co-sponsored by CVAC, DOVE and VARCC.

- **Milkshakes and Masculinity:** 20:1 sponsored a film-based discussion utilizing Jackson Katz’s film Tough Guise 2. This program explores healthy and unhealthy aspects of masculinity and how to make positive societal change.

A complete list of programs and social media campaigns may be obtained by contacting Health Promotion and Prevention Services, within the Division of Student Affairs at <https://www.binghamton.edu/services/care-team/contact.html>.

Primary Prevention Programs:

- **Consent Programs:** Students learn about affirmative consent, how to obtain consent. This program also teaches students about coercion, incapacitation, victim blaming, predatory behavior (risk reduction), rape myths, support of victims, resources and rape myths.
- **Men’s and Women’s Program:** 20:1 offers programming specific to men and women. The Men’s Program is based off of John Fobert’s 1 and 4 Program. This program addresses victim blaming, what men can do in the fight against sexual assault, support of victims, and recourses. The Women’s Program addresses victim blaming, why it is so prevalent in society and why women engage in victim blaming. It also addresses predatory behavior (risk reduction), support of victims and resources.
- **Bystander Intervention Training:** This program teaches audience members how to recognize situations of interpersonal violence, knowing oneself as a bystander-what blocks one from intervening, different ways to intervene, support and resources. This program addresses different areas of interpersonal violence including sexual assault, dating violence, bullying, hate/bias and hazing.
- **Dating Violence and Stalking Bystander Intervention Program:** Students are trained in the signs of healthy and unhealthy relationships. This program explores different aspects of dating violence including verbal, emotional, physical, sexual abuse and stalking. The Program helps to identify red flags in relationships and how to intervene.
- **One Love:** Peers facilitate film-based workshops which spotlight the early warning signs of unhealthy relationships. The Escalation Program is a bystander program using a depiction of dating violence. Behind the Post, examines unhealthy relationship behaviors and the role social media can play.

INCOMING STUDENTS AND NEW EMPLOYEES

New Student Programming – During Move-in Weekend, all new students are required to attend in person interpersonal violence training that includes small group discussion, and interactive activities. Prior to coming to campus, students are required to complete an online interpersonal violence prevention training that is built upon during the in-person sessions. The training consists of educational modules on sexual assault prevention, bystander intervention and creating a respectful college culture. In addition to the federal and state mandates, institutional policies and campus/community resources are provided. Particular attention is given to dating violence, domestic violence, sexual assault, and stalking.

New Employee Online Training – All new employees are required to complete Binghamton University’s online training. The modules within the training include: workplace discrimination and harassment; preventing sexual misconduct, preventing discrimination and harassment and others.

For additional information and assistance regarding sexual assault, domestic violence, dating violence and stalking, students may contact Health Promotion and Prevention Services, Decker Student Health Services Center, University Counseling Center, the Dean of Students Office, Residential Life, NYSUP or local police jurisdictions, Office of Student Conduct, Title IX Coordinator or the Crime Victims Assistance Center.

BYSTANDER INTERVENTION

Individuals are encouraged to use safe and positive interventions when they see or hear about acts of sexual assault, dating/domestic violence, and stalking. Many different kinds of interventions can help prevent harm from coming to others and provide education to individuals where necessary. The five Ds is an effective way to think about intervening:

- **Direct intervention** – directly approaching either individual in the situation.
- **Distraction** – finding a way to distract the individual(s) involved in order to dissolve the situation.
- **Delegation** – involving others, such as an RA, professor, bouncer or law enforcement, to resolve the situation.
- **Delay**-This is intervening with either party after the actual event when one can not intervene when the situation is occurring
- **Document**-Document with video or other means can help in the intervention of an event of interpersonal violence

No single approach works for every situation. For example, one might approach someone who they think was harmed differently than someone they believe harmed another. Individuals are encouraged to intervene in a manner that ensures their own personal safety is not placed at risk, while contributing to an environment free from discriminating and harassing behaviors.

RISK REDUCTION

To empower our campus community in the creation of a safe campus community, Binghamton University encourages members of the University community to reduce the risk of harm by:

1. Always following affirmative consent guidelines.
2. Checking in and communicating when in an intimate situation.
3. Looking out for friends.
4. Being an active bystander.
5. Recognizing and challenging predatory behavior in a safe way.

SEX OFFENDER REGISTRY

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The Registry contains information on sex offenders classified according to their risk of re-offending: low-risk (Level 1), moderate risk (Level 2) and high-risk (Level 3). The Act requires that the Division also

maintain a Subdirectory of Level 3 Sex Offenders. The DCJS Sex Offender Registry site may be found on the web (see criminal-justice.ny.gov/nsor) and contains its subdirectory of Level 3 Sex Offenders as well as other information regarding New York State's Sex Offender Registry.

Sex offenders registered in New York are required to notify the Registry of any institution of higher education at which they are, or expect to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must also be reported to the Registry no later than 10 days after such change.

HATE CRIMES PREVENTION

It is a NYSUP, Binghamton, mandate to protect all members of the Binghamton University community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/ Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (New York State Penal Law Article 485). Copies of the New York State law may be accessed electronically at public.leginfo.state.ny.us/lawssrch.cgi?NVLWO.

A printed copy may be obtained by contacting NYSUP at 607-777-2275 or by electronic mail at bupolice@binghamton.edu.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence and previous convictions of the offender. Perpetrators who are students will also be subject to campus conduct procedures, where sanctions including expulsion are possible.

In addition to preventing and prosecuting hate/bias crimes, NYSUP, staff in the Division of Student Affairs, the University Ombudsman and the Division of Diversity, Equity and Inclusion assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents are defined by the University as acts of bigotry, harassment or intimidation directed at a member or group within the Binghamton University community, may be addressed through the State University of New York's Discrimination Complaint Procedure or the Code of Student Conduct. Bias incidents may be reported to NYSUP or to staff as noted above.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to NYSUP by calling 607-777-2393 (or 911 in an emergency), using a blue-light or other campus emergency telephone, or by going to the NYSUP station, located in the basement of the Couper Administration Building. NYSUP will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents may avail themselves of counseling and support services from a number of offices and

departments on campus, including the University Counseling Center, the Multicultural Resource Center, the University Ombudsman Office or the Division of Diversity, Equity and Inclusion.

Information about hate/bias crime, including statistics on bias crimes, may be obtained from NYSUP, Binghamton.

ALCOHOL, TOBACCO AND OTHER DRUGS (ATOD)

Binghamton University is committed to helping students, faculty and staff develop the skills and knowledge to minimize risk to themselves and others while also holding them accountable to community policies and laws. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and staff.

Please note that while the list below is not comprehensive, it does reflect some of the behaviors pertaining to substance use by Binghamton University students that are prohibited. For a complete list of prohibited behaviors see the full Code of Student Conduct. Students engaging, attempting to engage or assisting in the following are subject to disciplinary sanctions:

1. Consumption, possession or purchase of alcoholic beverages by any person less than the minimum age allowed by law.
2. Distribution of alcoholic beverages to anyone less than the minimum age allowed by law.
3. Possession of more than one case of beer (288 oz. or 2 4 12-oz. cans or bottles) or two liters of wine or two liters of distilled spirits.
4. Possession of bulk containers of alcohol.
5. Possession, personal use or purchasing of marijuana, illegal drugs, prescription drugs prescribed to another person or controlled substances; or possession of drug paraphernalia containing drug residue.
6. Distribution of marijuana, illegal drugs, prescription drugs prescribed to another person or controlled substances.
7. Manufacture, sale, or use of altered or another person's documents, including those used for identification.
8. Hazing

GOOD SAMARITAN ACTIONS

Binghamton University abides by the New York State Good Samaritan Law.

Legal Amnesty: In September 2011, the 911 Good Samaritan Law went into effect to address fears about a police response to an overdose. The New York State 911 Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. This law provides significant legal protection against criminal charge and prosecution for possession of controlled substances, as well as possession of drug paraphernalia. This protection applies to both the person seeking assistance in good faith, as well as to the person who has overdosed. Class A-1 drug felonies, as well as sale or intent to sell controlled substances, are not covered by the law.

Code of Student Conduct Amnesty: No student seeking medical treatment for an alcohol or other drug-related overdose, or other life-threatening medical emergency, will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student or the student who is facing a life-threatening medical emergency. In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. For additional information visit the [New York State Department of Health website](#).

The health and safety of every student at Binghamton University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Binghamton University officials or law enforcement will not be subject to Binghamton University Student 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.

DRUG/ALCOHOL PREVENTION PROGRAMS

Whether working with students individually, or providing campus-wide programming, ATOD staff are committed to empowering Binghamton University students to make healthy lifestyle choices surrounding substance use. Through all programs and services, the ATOD staff strive to engage the community and build collaborations that will ensure a safe campus environment for all. The ATOD program is built on a foundation of evidence-based prevention and harm-reduction approaches that ask students to explore the how and why behind their behaviors, and give them the tools necessary to support their well-being.

The ATOD program at Binghamton University uses a multi-pronged approach to address drug and alcohol misuse by the campus community. Among the services provided by the ATOD office are:

- **Events and Programs:** The ATOD staff take the lead on and support campus-wide programming aimed at empowering students to make healthy decisions about their substance use behaviors and reduce harm.
- **eCHECKUP TO GO:** An evidence based online prevention tool used for indicated students who are referred to the ATOD Office by University professionals or who self-refer. Students can take the alcohol, cannabis, or nicotine assessment. Individuals who complete the assessment are provided accurate, detailed and personalized feedback on their use, including risk factors, potential negative consequences, harm reduction strategies, etc.
- **Brief Alcohol Screening and Intervention for College Students (BASICS):** One-on-one conversations with trained ATOD staff members intended to help students explore their alcohol and/or drug use behaviors in a judgment-free environment. These meetings are conducted with indicated students who are referred to the ATOD Office by University professionals or who self-refer. Throughout the BASICS meeting students will engage in values clarification, identify motives for using and not using alcohol/drugs, evaluate personal substance use behaviors, understand how their use compares with that of peers, explore how substance use may be affecting their life, assess personal risk factors for misuse, and identify potential strategies for reducing risk and preventing future problems.
- **Cannabis Screening and Intervention for College Students (CASICS):** One-on-one conversations with trained ATOD staff members intended to help students explore their cannabis use behaviors in a judgment-free environment. These meetings are conducted with indicated students who are referred to the ATOD Office by University professionals or who self-refer. Throughout the CASICS meeting students will engage in values clarification, identify motives for using and not using cannabis, evaluate personal cannabis use behaviors, understand how their use compares with that of peers, explore how cannabis use may be affecting their life, assess personal risk factors for misuse, and identify potential strategies for reducing risk and preventing future problems.
- **Binghamton Campus and Community Coalition (BCCC):** The ATOD office recognizes that addressing college student substance misuse requires buy-in from the local community. BCCC is a 25+ member community coalition that engages in collaborative partnerships to reduce high-risk substance use using a strategic prevention framework.
- **Environmental Management:** Through campus and community alliances, the ATOD staff focus on maintaining an environment in which policies, programs, and physical spaces are aligned to limit access to, and the availability of, alcohol, tobacco, and other drugs.
- **Peer-to-Peer Engagement:** Studies show that peers have an important influence on emerging adult substance use behaviors. In addition to training students to conduct peer-led interventions, the ATOD program is designed to facilitate meaningful dialogue among peers and to dispel myths about peer substance-use behaviors.
- **Recovery Resources:** The Campus Recovery Support Group is a joint initiative between Binghamton University students in recovery, the University Counseling Center and the Alcohol, Tobacco & Other Drugs Office to increase the campus community's recovery capital. The mission of the CRSG is to connect students who are living a substance-free lifestyle, who are sober curious, and/or who are supporting a family member in recovery with like-minded peers.
- **Research:** The ATOD staff strives to conduct innovative research focused on the development of outreach strategies that support behavioral health, including preventing alcohol and other drug misuse, and promoting mental and physical well-being.
- **Opioid Overdose Prevention Program:** In 2014, New York State created rules and regulations (NYS PHL § 3309 and 10 NYCRR 80.138) to implement and regulate Opioid Overdose

Prevention Programs (OOPP) to train non-medical persons to recognize and manage opioid overdose and to increase public naloxone access. In spring 2019, Binghamton University became registered as an Opioid Overdose Prevention Program which provides ongoing training to individuals in the use of naloxone and distribute the life-saving medication free of charge to program participants.

RESOURCES

Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse the use of alcohol or other drugs.

Emergency Services

In the event that you or someone you know needs immediate assistance, please call one of the following resources:

- In case of a fire or medical emergency dial 911.
- City of Binghamton Police Department: *911
- New York State University Police at Binghamton: *911 or (607) 777-2222
- Harpur's Ferry Volunteer Ambulance Service: (607) 777-3333. Responds on campus and off-campus within Broome County.
- Binghamton University Counseling Center: (607) 777-2772. Provides same-day urgent appointments Monday through Friday from 1 to 4 p.m. After-hours crisis line for nights, weekends and holidays: 607-777-2772, push number 2 when prompted. A crisis counselor will speak with you immediately.
- UHS Binghamton General Hospital Comprehensive Psychiatric Emergency Program (CPEP): (607) 762-2302 - 24-hour crisis hotline and confidential psychiatric advice.

Nearest Hospital Emergency Departments

When the Decker Student Health Services Center is closed or they have no available appointments, these are your options for receiving immediate medical care:

- Lourdes Hospital: 169 Riverside Dr, Binghamton, NY 13905
- UHS Wilson Medical Center: 33-57 Harrison Street, Johnson City, NY 13790
- UHS Binghamton General Hospital: 10-42 Mitchell Avenue, Binghamton, NY 13903

On-Campus Resources

- Campus Recovery Support Group: busober@binghamton.edu / @busober. Coordinated through the University Counseling Center, the peer support group provides a space for students in recovery, those who are sober curious, or those who have close friends or family in recovery, to come together to build relationships and join in fellowship.
- Alcohol, Tobacco & Other Drugs Office: (607) 777-3088. Provides individual assessments, harm-reduction programming, and collaborates with campus and community partners to support student well-being.

- Case Management CARE Team: (607) 777-2804. Case managers serve as advocates for students; helping them to identify struggles, discuss potential solutions, and access additional resources.
- Decker Student Health Services: (607) 777-2221. Provides currently registered Binghamton University students and affiliated entities with care for acute illness and injury, health education, women's health services, travel medicine, immunizations, HIV testing, psychiatric consultation and laboratory services.
- Employee Assistance Program: (607) 777-6655 / eap@binghamton.edu. Provides confidential, professional, work-site based guidance at no cost to University faculty, staff, undergraduate and graduate student employees, retirees and their families. EAP offers consultation, assessment and referrals to appropriate community and professional resources as well as programs and workshops.
- Office of Student Conduct: (607) 777-6210 / conduct@binghamton.edu. Oversees the campus judicial process for Binghamton University students.
- Residential Life Chemical-Free Housing: (607) 777-2321. On-campus housing for students who wish to live with other students seeking to maintain a chemical-free lifestyle on and off campus. Residents must agree to keep their living area free from substances at all times.
- Binghamton University Counseling Center: (607) 777-2772. Provides comprehensive preventive and clinical services for undergraduate and graduate students. Individual and group sessions are available.
- Binghamton University Campus Police: Non-emergency number - (607) 777-2393.

Off-Campus/Community Resources

- The Addiction Center of Broome County: (607) 723-7308. Assists individuals with substance use disorders and their families.
- Alcoholics Anonymous (Triple Cities): (607) 722-5983. A fellowship of people who come together to solve their drinking problem.
- Broome County District Attorney: (607) 778-2423.
- Broome County Mental Health Department: (607) 778-6189.
- Celebrate Recovery: A Christ-centered 12-step program.
- Cocaine Anonymous: A fellowship of men and women who share their experience, strength and hope with each other so that they may solve their common problem and help others recover from their addiction.
- Co-Dependents Anonymous: (607) 687-5620. A program of recovery from co-dependence, where each person may share their experience, strength, and hope in an effort to find freedom where there has been bondage, and peace, where there has been turmoil in relationships with self and others.
- Crime Victims Assistance Center: (607) 722-4256. Safe environment for people who have been a victim of, or affected

by, a crime. Provides free counseling to survivors as well as a 24-hour crisis line and advocacy program.

- Fairview Recovery Services - Voices Recovery Center: (607) 821-7811. The Center belongs to the community. It is open to everyone and there is no cost. Activities include Recovery support groups, holiday celebrations, yoga, music groups, Narcan training and more.
- Helio Health Binghamton Evaluation Center: (607) 296-3072. Medically supervised withdrawal and stabilization services and inpatient rehabilitation.
- LifeRing Secular Recovery: Abstinence-based, anonymous organization dedicated to providing a safe meeting space where you can experience a non-judgmental recovery conversation with your peers. This is done through the lens of LifeRing's 3-S philosophy of Sobriety, Secularity, and Self-Help.
- Lourdes Center for Mental Health: (607) 584-4465. Provides outpatient mental health care to residents of Binghamton, New York, and Broome County.
- Marijuana Anonymous: A fellowship of people who share their experience, strength, and hope with each other so that they may solve their common problem and help others to recover from marijuana addiction.
- Narcotics Anonymous (Triple Cities Area): (315) 847-3842. A nonprofit fellowship or society of men and women for whom drugs had become a major problem.
- Rehabcenter.net: (877) 630-2970. The primary purpose of Rehabcenter.net is to connect individuals with quality addiction treatment and care, 24 hours a day, seven days a week. By calling the national helpline or filling out a form, Rehabcenter.net connects those in need with a treatment specialist at their admissions center. The specialist will then listen, determine individual needs, and help arrange the best treatment for the person.
- Recovery Dharma (www.recoverydharma.org): A peer-led, grass-roots, democratically-structured organization. Its mission is to support individuals on their path of recovery from addiction using Buddhist practices and principles.
- Refuge Recovery: Online guide to various types of religious and secular recovery programs with a state-by-state directory.
- SMART Recovery: Group recovery meetings.
- Southern Tier AIDS Program (STAP): (607) 798-1706. Comprehensive HIV/AIDS services, syringe exchange program, opioid overdose prevention program, substance use information and referrals, etc.
- Substance Abuse and Mental Health Services (SAMSHA): Online directory for persons seeking treatment facilities in the United States or U.S. territories for substance use/addiction and/or mental health problems.
- UHS Addiction Medicine - Binghamton General Hospital: (607) 762-2901. Inpatient treatment.
- UHS New Horizons Alcohol & Chemical Dependency Treatment Center: (607) 762-2901. Outpatient treatment.
- UHS Substance Abuse and Addiction Medicine Department:

(607)762-3288. Inpatient and outpatient treatment. Substance use disorder assessments, outpatient groups, and family programming.

- Women for Sobriety (<https://womenforsobriety.org/>): A non-profit organization dedicated to helping women discover a happy New Life in recovery from substance use disorders

Family Resources

- Adult Children of Alcoholics (<https://adultchildren.org/>): Adult Children of Alcoholics (ACA)/Dysfunctional Families is a Twelve Step, Twelve Tradition program of people who grew up in dysfunctional homes.
- Al-Anon Family Group and Alateen: (607) 722-0889. Offers a mutual support program for people whose lives have been affected by someone else's drinking.
- Nar-anon (nar-anon.org): A fellowship for those who know or have known a feeling of desperation concerning the addiction problem of someone very near to them.

For more information concerning current educational programs, interventions and policies, please review the University's Drug-Free Schools and Communities Act Annual Notification accessible through the Division of Student Affairs' Alcohol, Tobacco and Other Drugs Services office website at <https://www.binghamton.edu/hpps/atod/drugfreecampus.html>.

ALCOHOL, DRUGS AND WEAPONS POLICIES STATEMENT

Binghamton University complies with the Drug-Free Workplace Act of 1990 and the Higher Education Act Section 120a.

NYSUP officers enforce laws regulating the use of alcoholic beverages and underage drinking. Binghamton University is committed to maintaining a safe and healthy environment for the campus community. Alcohol and other drugs should not interfere with the University's education mission. All Binghamton University students, faculty members, staff members and administrators are subject to local, state and federal laws regarding the unlawful possession, distribution or use of alcohol or illegal drugs.

The unlawful manufacture, distribution, dispensing, possession or use of illegal drugs on the University campus or at any University-sponsored event off campus is prohibited. No one may use illegal substances or abuse legal substances, including alcohol, in a manner that impairs performance of assigned tasks.

Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse can also contribute to a host of other physical and mental health problems such as unwanted pregnancy, violent behavior, HIV infection and other sexually transmitted diseases and psychological depression.

The use of alcoholic beverages must be in compliance with New York State Law and is strictly limited to persons 21 years of age or older. The possession, transportation and/or consumption of alcohol by individuals under 21 years of age is strictly prohibited. Alcoholic beverages may not be consumed in public areas except under special conditions and with written permission from the University.

NYSUP strictly enforces federal and state laws, as well as the University's policy for the use and sale of illegal drugs. Violators are subject to University discipline, criminal prosecution and removal from University housing. Students engaging in the sale of illegal drugs may be expelled. Students found in violation of University alcohol, drug and weapons policies may be subject to disciplinary probation, suspension or expulsion. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees in violation of the University alcohol and drug policies will be referred to Human Resources, which administers the disciplinary process. Disciplinary actions taken by the Office of Human Resources are governed by bargaining unit contracts. Employee penalties can include fines, counseling, suspension and termination. Applicable legal sanctions under local, state and federal law for the unlawful possession or distribution of illicit drugs and alcohol range from probation, diversion or imprisonment in the county jail for less than one year to imprisonment in state prison.

INSTITUTIONAL DISCIPLINARY PROCEDURES

STUDENT CONDUCT PROCESSES

STANDARD OF EVIDENCE

Determinations of responsibility will be made on the basis of whether there is a **preponderance of evidence** that the student charged violated the Code of Student Conduct.

SANCTIONS

STUDENTS

1. When violations of the Code of Student Conduct are addressed, the University conduct process attempts to create an active and educational response, taking into consideration the interest of the victim, interest of the accused and the overall well-being of the University community.
2. Sanctions are intended to deter any subsequent violations and to promote a safe and secure living-learning environment conducive to the success of all students. To restore community, sanctions will be appropriately tied to the offense and tailored to repair actual harm done.
3. Sanctions for incidents involving sexual harassment, sexual assault, domestic violence, dating or sexual violence or stalking include suspension or expulsion from the University. Where facts and circumstances justify mitigating to a lesser sanction of probation, students found responsible may also be subject to required educational activities, limitations on campus activities, change in living situation, restricted access to campus and/or other sanctions.
4. For cases in which students are found responsible for sexual assault consistent with the federal definition of rape (the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim), the available sanctions

are suspension with additional requirements and expulsion/dismissal. Consent for these purposes is the consent definition in these policies.

5. The following outcomes may be imposed:
 - a. **Educational Conversation** — An educational conversation may take place between the student and the student conduct administrator. No determination is made regarding if the student is responsible for a violation of University policy, and there is no sanction indicated on the student's record. An educational conversation is an opportunity to clarify the University expectations of students and remedy behavior that may potentially violate the Code of Student Conduct in the future.
 - b. **Conduct Warning** — A conduct warning is an official acknowledgment that one or more rules have been violated and is considered a low-level sanction. A conduct warning serves as a notice to a student that the behavior is counter to the expectations in the Code of Student Conduct.
 - c. **Disciplinary Probation** — Disciplinary probation is a serious and active response to a violation of rules and may include educational sanctions or other requirements as a term of the probation. This is imposed for serious violations or a pattern of violations of the Code of Student Conduct. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct during the probationary period. While on probation, students may be ineligible to receive certain University awards or scholarships. At the discretion of campus offices and programs, students on probation may be ineligible for employment and/or participation in certain campus programs.
 - d. **Loss of Privileges** — Loss of privileges is the loss of specified privileges such as use of a particular facility, visitation to a residence hall, housing priority, contact with an individual or other privileges for a designated period of time.

Housing relocation or removal from University housing can be applied as a sanction. Students who have a serious violation of the community standards set in the Code of Student Conduct or the housing license, or because of a series of breaches of the community standards in the residence halls, will be asked to relocate or leave all University housing. Removal from housing typically includes the loss of visitation privileges to specific residential areas and penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs.
 - e. **Educational Projects and Community Service** — These sanctions involve the completion of projects, assignments, essays, service to the University, facilitation of or participation in programs or other related assignments.
 - f. **Relocation** — Relocation is the reassignment of a student from one living space to another.
 - g. **Restitution** — Restitution may include payment to an individual or to the University to cover the cost of damage, destruction, defacement, theft or unauthorized use of

property. It may also include payment for medical bills not covered by insurance.

- h. **Final Probation** — Final probation is imposed only in very serious cases or cases where students are currently under a significant sanction. Final probation may include removal from all University housing and loss of visitation privileges to buildings or areas of campus and is imposed for a specified period of time. Students found responsible for any further violation of the Code of Student Conduct while on final probation may be suspended from the University.
- i. **Suspension** — Suspension is the separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who have been suspended are unable to register for and attend classes or be present on University property without specific, written permission of the dean of students.
- j. **Expulsion** — Expulsion is the permanent separation of the student from the University. Students who have been expelled may not be on campus without specific, written permission of the dean of students

Note: Recommendations for final probation, suspension or expulsion from the University are forwarded to the dean of students, who is the president's designee for final action.

- 6. More than one of the previously listed sanctions may be imposed for any single violation.
- 7. Following a student conduct board hearing, the board completes a summary report of its findings and recommendations and forwards it to the Office of Student Conduct. The director of student conduct certifies that the sanction(s) is(are) appropriate based on the sanctioning guidelines. The director will make adjustments as necessary to ensure that the sanction(s) is(are) appropriate. The Office of Student Conduct forwards the final outcome to the student charged and the student conduct administrator. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, both parties will be notified of the outcome simultaneously and in writing.
- 8. Any student found responsible for a violation of the Code of Student Conduct who has targeted a person or group based on factors such as perceived race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristic, military status, domestic violence victim status or criminal conviction may be subject to a more severe sanction than would ordinarily accompany that violation.
- 9. The director of student conduct will place an administrative hold on a student's University records when the student fails to complete the sanction(s) by the assigned deadline. The hold will remain in effect until the assigned sanction(s) is completed.

PROMPT FAIR PROCESS

Disciplinary investigations and actions by the Office of Human Resources, including those for dating violence, domestic violence, stalking, and sexual assault, are governed by bargaining unit contracts and conducted in accordance with such.

Regarding student investigations, The University strives to reach a resolution within 60 days after the receipt of the initial report. Timelines may vary based on the complexity of the case, number of witnesses and the nature of the academic calendar. Should the University foresee a need to exceed the 60-day guidelines, it shall inform the involved parties and reasonable efforts will be made to seek timely resolution. In general, participants can expect that the investigative phase will take up to 21 days to complete. Upon conclusion of the investigation, both parties will be presented with the investigative report within five days and next steps in the process will be outlined. If warranted, a hearing will be conducted, usually within five to 10 days. Appeals are usually resolved in 30 days.

Should a student need a delay in the process, a request must be submitted to the Office of Student Conduct electronically. The request should include the reasoning for the delay as well as how much time the student is requesting. Upon receipt the Office of Student Conduct will consider the delay and respond electronically with a response. The University strives to reach a resolution within 60 days after the receipt of the initial report.

ANNUAL TRAINING

Students have the right to a prompt response to any complaint. Students have the right 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 and training in how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

ADVISORS

Any party may be accompanied by an advisor at any point in the process. Advisors may assist and advise their advisee throughout the process including any related hearings or meetings. Advisors are not permitted to speak or to participate directly in any part of the conduct process unless permitted to do so by the presiding officer.

Students' Bill of Rights, which appears at <https://binghamton.edu/services/title-ix/info-survivors.html> is incorporated herein by reference.

EQUAL OPPORTUNITY/EQUAL RIGHTS

Throughout conduct proceedings, the respondent and claimant will have:

- 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 Code of Student Conduct.
- The right to a prompt response to any complaint. The right 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.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing they are required to or are eligible to attend. Respondents will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by Binghamton University.
- The right to present evidence and testimony at a hearing when appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in the 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 any sanctions.
- The right to ask questions of the decision maker and, via the decision maker, indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s) and the rationale for the decision and any sanctions.
- The right to written or electronic notification about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair

and impartial and does not include individuals with a conflict of interest.

- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information 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.
- The Office of Student Conduct is located in Suite 3J of the Tuscarora Office Building in College-in-the-Woods. The office phone number is 607-777-6210.

NOTIFICATION OF RESULTS

Following a student conduct board hearing, the board completes a summary report of its findings and recommendations and forwards it to the Office of Student Conduct. The director of student conduct certifies that the sanction(s) is(are) appropriate based on the sanctioning guidelines. The director will make adjustments as necessary to ensure that the sanction(s) is(are) appropriate. The Office of Student Conduct forwards the final outcome to the student charged and the student conduct administrator. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, both parties will be notified of the outcome simultaneously and in writing.

APPEALS/CHANGE RESULTS/FINAL RESULT

1. An appeal must be submitted in writing by the student charged to the Office of Student Conduct within 10 working business days, after receiving notification of the outcome of the hearing.
2. Hearing board decisions for Level I cases are final. Absent procedural error, Level I cases may not be appealed.
3. For cases involving any form of harassment or sexual violence, sexual assault, domestic violence, dating violence or stalking, the same right of appeal will be extended to both parties. Non-appealing parties will be notified of the appeal and may submit a statement of their position with respect to the appeal. Appeals for these cases will be considered by a trained interpersonal violence panel. Either party may appeal the decision of the panel. Appeals of panel decisions are decided by the vice president for student affairs or associate vice president/dean of students. Appeal decisions of the vice president or associate vice president/dean of students will be made utilizing the same standards used for other vice president or associate vice president/dean of students appeals. Decisions of the vice president or associate vice president/dean of students are final and there is no further appeal.
4. The appeal must specify the reason(s) for the appeal. The student charged may appeal on any or all of the following grounds:
 - a. Appeal the finding that the student violated the Code of Student Conduct;
 - b. Appeal the sanction imposed; and

- c. Appeal on the basis of specified procedural errors in the disciplinary process.

For each reason cited, a detailed explanation must be included.

5. Failure to appeal within the allotted time will render the original decision final and conclusive.
6. Appeals of all conduct cases are reviewed by either the vice president for student affairs or designee. Appeals may be referred to a three-member appeals board at the discretion of the appeals officer. This board will have the responsibility of making a recommendation on the merits of the appeal. Appeals boards, when used, will consist of at least one student and at least one staff person.
7. Appeals will be decided upon the record of the original proceeding and upon written materials submitted by the parties. New hearings will not be conducted except in accordance with 9.b) of this section. The decision of the appeals officer will be final and there shall be no further appeal.
8. The person(s) reviewing an appeal may:
 - a. Affirm the finding and the sanction imposed by the original board.
 - b. Affirm the finding and reduce, but not eliminate, the sanction, in accordance with 9.a) of this section.
 - c. Assign the case to a new hearing board in accordance with 9.b) of this section.
 - d. Dismiss the case, in accordance with 9.c) of this section.
 - e. In situations wherein an Appeal is lodged by a claimant in a sexual misconduct case, the person(s) reviewing the appeal may also affirm the finding and increase the sanction.
9. Deference shall be given to the determinations of the hearing board:
 - a. Sanctions may only be reduced if found to be disproportionate to the offense.
 - b. Cases may be assigned to a new hearing board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the charged student a fair hearing, or if new and significant evidence became available that could not have been discovered by proper diligence before or during the original hearing. When a new hearing is granted, no indication or record of the previously conducted hearing will be introduced or provided to members of the hearing board, except to challenge contradictory testimony at the discretion of the hearing board chair. The board will be directed not to repeat the specified errors that caused the case to be reheard.
 - c. Cases may be dismissed only if the finding is determined by the appeals officer to be arbitrary and capricious.
 - d. Decisions altering the determinations of any hearings shall be accompanied by a written explanation.
10. The imposition of sanctions will normally be deferred while appeals are pending, except that interim actions will continue until there is a final outcome.
11. Appeals will ordinarily be expected to be decided within 10 business days.

TITLE IX GRIEVANCE PROCEDURES

STANDARD OF EVIDENCE

Determinations of responsibility under these procedures will be made on the basis of whether there is a preponderance of evidence that the student charged violated the policy.

Filing a Formal Complaint

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

To file a Formal Complaint, a complainant must provide a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Binghamton University, including as an employee. For complainants who do not meet these criteria, the University may utilize existing policy in the Code of Student Conduct.

Determining Jurisdiction

The claimant will be asked to meet with a member of the CARE Team to discuss the facts alleged. Information gathered by the CARE Team member through the meeting with the student will be forwarded to the Title IX Office. The Title IX Office will assess this information to determine if the allegations would fall under the Code of Student Conduct and/or Title IX Grievance Policy and provide this response to the CARE Team. The Title IX Office may consult with other offices as necessary in making this determination.

- Factors considered in this determination include:
 - Whether the conduct is alleged to have occurred on or after August 14, 2020;
 - Whether the conduct is alleged to have occurred in the United States;
 - Whether the conduct is alleged to have occurred in Binghamton University's education program or activity; and
 - Whether alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

Upon determination of the case type, the claimant will be informed electronically and invited to discuss options with the CARE Team.

Once the student receives the determination of the case type, they may have the option to submit a Formal Complaint under the Title IX Grievance Policy and/or proceed under the Student Code of Conduct.

A member of the CARE Team will assist the student in completing a Formal Complaint, when desired and appropriate.

Where all of the above factors are met, and the complainant submits a Formal Complaint, Binghamton University will investigate the allegations according to the Grievance Policy.

Allegations Potentially Falling Under Two Policies

In addition to Title IX, the University is obligated by other state and federal laws, such as New York State Education Law 129-B, to act on reports of sexual harassment and provide rights to claimants under our Code of Conduct. Victims may simultaneously have separate rights under different laws. This may result in a situation where some alleged sexual harassment is covered by the Title IX Grievance Policy, and some alleged sexual harassment is covered under the University's Code of Conduct.

If the alleged conduct includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the University will determine which process (Code of Conduct or Grievance Procedures) may commence first. This decision will be based on case-specific considerations including but not limited to the following:

- whether the accused has a history of violent behavior or known prior allegations;
- whether the incident represents escalation in behavior;
- the increased risk that the accused will commit additional acts of violence;
- whether the respondent used a weapon and/or force;
- whether the reporting individual is a minor;
- whether the institution possesses other means to obtain evidence such as video footage;
- under which policy the majority of the allegations fall;
- status of any concurrent law enforcement investigations of the same allegations; or
- whether there was other conduct that occurred on the same date/time that is substantially related.

Notice of Allegations

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

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

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

Notice of Meetings and Interviews

Binghamton University will provide, to a party whose participation is invited or expected, written notice of the date, time, location,

participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

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

Investigation

An investigator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

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

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

Inspection and Review of Evidence

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

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

The institution will provide copies of the parties' responses to the investigator to all parties and their advisors, if any.

The University will provide the parties up to ten (10) calendar days to provide a response, after which the investigator will not be required to accept further submission. The investigator has up to ten (10) calendar days to generate a report or, alternatively, may provide the parties with written notice extending the investigation and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

Investigative Report

An investigator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) calendar days prior to the hearing through an electronic format, or other format if necessary, for each party's review and written response.

Hearing**General Rules of Hearings**

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

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Binghamton University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through the University's web conferencing technology. This technology will enable participants simultaneously to see and hear each other.

Hearing Procedures

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

- The Board Chair will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Board will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Board conducts its initial round of questioning; During the Parties' cross-examination, the Board Chair will have the authority to pause cross-examination at any time for the purposes of asking the Board's own follow up questions; and any time necessary in order to enforce the established rules of decorum;
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Board Chair. A Party's waiver of cross-examination does not eliminate the ability of the Board to use statements made by the Party.

Determination Regarding Responsibility

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

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

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

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

Components of the Determination Regarding Responsibility

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

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

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Binghamton University within 14 calendar days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires. All determinations regarding responsibility resulting in expulsion are reviewed by the Vice President of Student Affairs, or designee.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within ten (10) calendar days of being notified of the decision, indicating the grounds for the appeal. The non-appealing party will be notified of the appeal and may submit a statement of their position with respect to the appeal.

Appeals will be decided by a trained interpersonal violence panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

The panel reviewing an appeal may:

1. Affirm the finding and the sanction imposed by the original board;
2. Affirm the finding and reduce or increase, but not eliminate, the sanction;
3. Assign the case to a new hearing board;
4. Dismiss the case.

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

EMPLOYEE PROCESSES

The standard of evidence used by the Office of Human Resources is a preponderance of evidence.

The possible sanctions that the University may impose upon an employee following the results of any University disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking are: written counseling memorandum, written reprimand, monetary fine, suspension without pay, termination from employment, and such other action as the University may reasonably deem appropriate consistent with collective bargaining agreements. Pursuant to collective bargaining agreements these employment based penalties are subject to the grievance and hearing process as outlined in the union agreements.

Following an allegation of dating violence, domestic violence, sexual assault, or stalking victims may be offered protective measures such as accommodations to their academic, living, transportation, or working situations, or other accommodations if the victim requests them, they are reasonably available, and in accordance with collective bargaining agreements.

In accordance with collective bargaining agreements both accusers and accused will be notified of the results of, and any changes to, disciplinary proceedings.

Employees: Appeals of disciplinary actions for employees are governed by bargaining unit contracts.

FIRE SAFETY REPORT

Binghamton University and its office of Environmental Health and Safety (EH&S) take fire safety very seriously. It is the policy of the University to maintain a safe environment for its faculty, staff,

students and guests that will not subject them to avoidable risk of injury. Fire safety is everyone's responsibility and you should be aware of what to do in the event of a fire emergency. The Division of Operations, NYSUP, EH&S and Residential Life work closely toward the effort of fire safety.

Information regarding general fire safety and evacuation procedures is available on the EH&S webpage: binghamton.edu/ehs.

FIRE EVACUATION PROCEDURES

It is the policy of Binghamton University that all persons will evacuate a building immediately when fire alarms sound. No person who is physically capable of self-evacuation shall remain inside any building during a fire alarm other than emergency response personnel.

Furthermore, no one shall enter a building in which the fire alarms are sounding, with the exception of specifically requested personnel by emergency responders.

FIRE PREVENTION

Information regarding fire prevention can be found at: binghamton.edu/offices/environmental-health-safety/fire-prevention/. This site has printable informational documents brochures on topics that include:

- campfires and barbecue
- cooking
- evacuation procedures
- drone permit procedures
- common fire code violations
- residential hall safety
- safe decorating guide
- tent use on campus
- heaters (e.g. electric space heaters) used in state buildings must be directly plugged directly into a wall outlet and be equipped with tip-over protection

PORTABLE ELECTRICAL APPLIANCES/SMOKING/OPEN FLAME POLICIES

Residential hall safety policies related to portable electrical appliances, smoking, open flames and evacuation in case of fire are found in the University Housing License Agreement: binghamton.edu/residential-life/housing/forms.html.

PORTABLE ELECTRICAL APPLIANCES AND PROHIBITED ITEMS

(Found in the University Housing License-Item V: Safety and Security Section 3)

- Items not permitted in all rooms, flats, suites or apartments include, but are not limited to, non-UL-approved electrical items, halogen lamps, multi-headed lamps with plastic shades, extension cords, personal refrigerators larger than 5.5 cu. ft. (refrigerators less than 5.5 cubic feet are permissible), microwaves larger than 1,000 watts (microwaves less than 1,000 watts are permissible), kerosene lamps, space heaters, propane and other flammable liquids or harmful chemicals, window air conditioning units not provided by the University, mercury thermometers, fog and smoke machines, clothes washers and dryers, freestanding freezers larger than 5.5 cu. ft. (freezers less than

5.5 cubic feet are permissible), dishwashers, air conditioners, hot tubs, waterbeds, neon signs, wax or oil burners, natural holiday trees and any items otherwise prohibited by University policy.

- Deep-fat fryers, toaster ovens, waffle makers, gasoline stoves or open-flame cooking appliances, sternos, immersible heaters and open-coil hot pots and hot plates are also not permitted in all rooms, flats, suites or apartments.
- Coffeemakers with hot plates or similar warming plates are not permitted. Coffeemakers with internal heating devices, such as Keurig® or Tassimo®, are permissible.
- Air fryers, toasters, rice cookers and crock pots are not permitted in any bedroom, or in flat or suite areas, but can be used within the common area kitchen in a hall or the kitchen area only of an apartment. Storage of these items is permitted in bedrooms, flats, and or suites as long as the unit has cooled, and it is not plugged in. In addition, all grills are prohibited for use on the grounds of residential communities, with this exception: charcoal grills may be used outdoors within the apartment communities as per the safety guidelines listed in the University's BBQ policy.
binghamton.edu/offices/environmental-health-safety/pdfs/campfirebbq2018.pdf
- There are four acceptable locations for campfires on campus, these fire pits are located at the following communities: Newing, Mountainview, Hillside and Susquehanna. Permission must be sought from the appropriate community office and a permit obtained from EH&S prior to use. The following additional rules apply:
 - a. The fire will be maintained within the established ring, pit or barrel and flames kept less than two feet in height.
 - b. Wood used shall be well seasoned to minimize sparks flying into the air.
 - c. Water (five gallons minimum) will be kept on hand throughout the burn time for extinguishment in an emergency or at the close of the campfire program.
 - d. The fire will be extinguished if a strong wind comes up or if told to do so by NYSUP.
 - e. The fire will be appropriately extinguished by the time specified on the campfire permit (cold out and wetted).
 - f. A copy of the EH&S permit must be kept on site at all times.
- UL-approved, surge-protected power strips and plug adapters with reset switches are permitted, but cannot be connected to another similar item to add length to an outlet. Power strips, extension cords and plug adapters without surge protection are prohibited.
- The possession or use of any type of firearm, ammunition, gunpowder, fireworks, air rifle, air pistol, spring-powered pellet (or "BB") gun, paintball gun, blade-based weapon, knife over six inches in length, sword, chukka stick, throwing star, brass knuckles, slingshot devices, chemical/biological weapon, or any other substance or device designed to harm or incapacitate is prohibited.

SMOKING POLICIES

(Found in the University Housing License-Item IV: Use, Care and Responsibilities Section 10)

Binghamton University is a tobacco-free campus. This includes the use of hookah, e-hookah, vaporizers and/or e-cigarette devices. Residents are responsible for any damage caused by smoking to the same extent as they are responsible for other damage to University premises as described in this Agreement. Damage includes, but is not limited to, deodorizing carpet or upholstered objects, additional paint preparation, replacement of window coverings, and repair or replacement of carpet or upholstered furniture, countertops, or any other surface damaged due to odor, burn marks and/or smoke damage.

OPEN FLAME, INCENSE AND CANDLES POLICIES

(Found in the University Housing License-Item V: Safety and Security Section 4.)

Open flames of any type are prohibited. Candles or incense of any type are not permitted in student rooms, flats, suites or apartments even if unlit, unused or for decorative purposes. Permission must be obtained from the resident director or community director to use them in observing religious holidays. With this prior permission, students will be able to light candles or incense in a location established by the Office of Residential Life. In these instances, candles and incense may never be left unattended and any unburnt remains must be extinguished and disposed of safely because it cannot be brought back to the bedroom, flat, suite or apartment.

FIRE SAFETY

(Found in the University Housing License-Item V: Safety and Security Section 5)

EVACUATION

All persons must evacuate the building when a fire alarm sounds. All students and their guests should report to the building's rally point designated by Residential Life.

LEGAL ACTION

All persons may face disciplinary action and/or arrest if they fail to evacuate; cause false alarms without reasonable cause; interfere with the proper functioning of a fire prevention or detection system; tamper with or remove fire hoses, extinguishers, smoke or heat detectors, carbon monoxide detectors or fire safety apparatus; disable or cover room, flat, suite or apartment smoke detectors or alarms; or fail to inform the area staff when a smoke detector, carbon monoxide detector or alarm is malfunctioning and/or activated.

FIRE SAFETY SYSTEMS

As required by NYS law, we must share with you what fire safety standards and systems are in our residential halls.

In all of our residential facilities there are addressable fire alarm systems that include strobe lights, audible devices, manual fire alarm pull stations, and smoke and heat detectors that directly report to the New York State University Police at Binghamton.

In addition to these devices, Rockland, Saratoga, Cascade, Hunter, Marcy, Windham, Digman, Johnson, O'Connor, Old Digman, Rafuse, Bingham, Broome, Delaware, Endicott and Mohawk Halls have building-wide sprinkler systems in place.

Oneida, Onondaga, Cayuga, Seneca, Cleveland, Hughes, Lehman,

Roosevelt and Smith halls have sprinkler systems only in all trash rooms.

Brandywine, Choconut, Glenwood, Nanticoke, Adirondack, Belmont, Catskill, Darien, Evangola, Filmore, Glimmerglass, Hempstead, Jones, Keuka, Lakeside, Minnewaska, Nyack and Palisades Halls do not have sprinkler systems in place.

FIRE SAFETY TRAINING

Residential Life and EH&S work together to provide fire safety training to Residential Life housing staff and Residential Life Operations staff. EH&S has a new online fire safety training module that is in its roll out stage. Further reach out to the campus community concerning fire safety and code compliance.

Student residents receive fire safety training through residence hall-based training provided by EH&S staff members. Evacuation drills in residential halls are conducted in accordance with the NYS Uniform Building Code.

Fire prevention training is available year-round for any faculty, staff or student through EH&S. In addition, basic fire safety and evacuation training is included in annual online Right to Know training and lab safety training programs. Fire safety and evacuation plans as required by regulation are provided to all building administrators and reviewed each semester or annually as appropriate.

The Binghamton University Faculty-Staff Handbook provides the following procedures that employees should follow in the case of a fire: “In all cases of fire, call the Binghamton University Emergency Dispatch Center at 911 or at 607-777-2222. If you discover a fire, activate the nearest pull station to engage the building’s fire alarm system. Immediately exit the building, closing the doors behind you. DO NOT use elevators during an evacuation” (Section III.H.5). Students are trained to follow the same procedures via the methods described above.

Individuals who discover that a fire has occurred after the fact (e.g., the fire has been extinguished and no fire emergency exists) should immediately inform NYSUP at 607-777-2222.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

Fire safety systems upgrades continue throughout campus along with building renovations. Some buildings being renovated are: Library South, Old Rafuse Hall and a new visitors center. EH&S is currently working to provide an online mandatory fire safety program for all employees. This is currently in its roll out stage as voluntary participation only.

FIRE LOG

The fire log is a record of fires that have occurred in any on-campus housing. The Binghamton University fire log is available at the EH&S office, Decker Student Health Services Center, Ground Floor.

FIRE LOG — The following is a list of fires in residential facilities 2020-2022 Note: all street addresses end with “Vestal, NY 13850”

Residential Facility	Category of Fire	Cause of Fire	Fire Explanation	Fire-related injuries	Fire-related deaths	Property damage	Date	Time	Incident #	Clery Reportable – Arson? Y/N
Cleveland	Unintentional	Heating Equipment	Floor dryer accidentally placed on stove	0	0	\$1,000- \$9,999	9/24/20	2:52am	42752	N
Digman (New)	Unintentional	Other	Accidentally set off a aerial firework	1	0	\$100-\$999	9/29/21	1:00am	45599	N
Rafuse (New)	Unintentional	Cooking	Burnt food container melted small part of rug	0	0	\$100-\$999	10/3/21	10:45pm	45679	N
Hunter	Unintentional	Cooking	Fire in microwave/extinguisher discharge	0	0	\$100-\$999	1/28/22	3:00pm	46629	N
Cleveland	Intentional	Arson	Dryer lint intentionally lit and placed in garbage can	0	0	\$100-\$999	3/10/22	11:31pm	47068	Y
Brandywine	Unintentional	Cooking	Paper towles accidentally ignited in kitchen	0	0	\$100-\$999	4/13/22	2:05pm	47270	N
Evangola	Unintentional	Cooking	Burned eggs	0	0	\$100-\$999	4/4/22	10:00am	47278	N
Nyack	Unintentional	Smoking Materials	Improper disposal of smoking materials	0	0	\$100-\$999	4/25/22	9:22pm	47481	N
Choconut	Unintentional	Other	Smoldering garbage can	0	0	\$100-\$999	5/12/22	5:20pm	47686	N
Minnewaska	Unintentional	Smoking Materials	Improper disposal of smoking materials	0	0	\$100-\$999	5/25/22	7:09pm	47795	N
Evangola	Unintentional	Cooking	Oil ignited on stove	0	0	\$100-\$999	10/31/22	2:46pm	49106	N
Oneida	Mechanical	Electrical	Electric motor burned-out	0	0	\$100-\$999	12/3/22	2:23am	49467	N

FIRE STATISTICS

In addition to the preceding information, the table below lists each residential hall and indicates the fire safety systems present, the number of drills held, and the number of fires that occurred for the past three years. Note that a fire under this regulation is defined as one that occurs in a place not intended to contain the fire or involves any burning that is not under control.

FIRE STATISTICS – Note: all street addresses end with “Vestal, NY 13850”

Residential Facility	Residential Community	Spring 2021 (Jan.–May)	Fall 2021 (Sept.–Dec.)	Total Building Fire Alarm (smoke/heat)	Monitored BUPD	Sprinkler System	Standpipe	Fire Extinguishers	Fire Drills 2020	Fires 2020	Fire Drills 2021	Fires 2021	Fire Drill 2022	Fires 2022
Cayuga—60 East Access Rd.	CIW	Open	Open	Yes	Yes	Partial	No	5 each floor	2	0	4	0	3	0
Mohawk—538 West Dr.	CIW	Open	Open	Yes	Yes	Total	Yes	3 each floor	2	0	4	0	3	0
Oneida—500 West Dr.	CIW	Open	Open	Yes	Yes	Partial	No	3 each floor	2	0	4	0	3	1
Onondaga—496 West Dr.	CIW	Open	Open	Yes	Yes	Partial	No	3 each floor	2	0	4	0	3	0
Seneca—70 East Access Rd.	CIW	Open	Open	Yes	Yes	Partial	No	6 each floor	2	0	4	0	3	0
Digman—New (Opened 1/1/14)—17 East Access Rd.	Dickinson	Open	Open	Yes	Yes	Total	Yes	4 each floor	2	0	4	1	3	0
Digman—Old—791 East Dr.	Dickinson	Open	Open	Yes	Yes	Total	No	2 each floor	2	0	4	0	3	0
Johnson—New (Opened 8/1/13)—55 East Access Rd.	Dickinson	Open	Open	Yes	Yes	Total	Yes	5 each floor	2	0	4	0	3	0
O’Connor—New (Opened 8/1/13)—644 East Dr.	Dickinson	Open	Open	Yes	Yes	Total	No	5 each floor	2	0	4	0	3	0
Rafuse - Old (Permanently Closed 5/31/13)—327 Glen G. Bartle Dr.	Dickinson	Closed	Closed	Yes	Yes	Partial	No	2 each floor	0	0	4	0	3	0
Rafuse—New (Opened 8/1/13)—624 East Dr.	Dickinson	Open	Open	Yes	Yes	Total	Yes	5 each floor	2	0	4	1	3	0
Adirondack—240 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	1	0	3	0
Belmont—296 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	3	0	3	0
Catskill—292 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Darien—288 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Evangola—280 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	2
Fillmore—284 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Glimmerglass—276 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Hempstead—264 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Jones—268 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Keuka—260 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Lakeside—256 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Minnewaska—252 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	1
Nyack—248 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	1
Palisades—244 West Access Rd.	Hillside	Open	Open	Yes	Yes	No	No	1 each landing	2	0	4	0	3	0
Rockland—378 West Access Rd.	Hillside	Open	Open	Yes	Yes	Total	No	2 each floor	2	0	4	0	3	0
Saratoga—370 West Access Rd.	Hillside	Open	Open	Yes	Yes	Total	No	2 each floor	2	0	4	0	3	0
Cleveland—77 Connector Rd.	Hinman	Open	Open	Yes	Yes	Partial	No	2 each floor	0	1	4	0	3	1
Hughes—314 West Dr.	Hinman	Open	Open	Yes	Yes	Partial	No	2 each floor	2	0	4	0	3	0
Lehman—336 West Dr.	Hinman	Open	Open	Yes	Yes	Partial	No	2 each floor	2	0	4	0	3	0
Roosevelt—348 West Dr.	Hinman	Open	Open	Yes	Yes	Partial	No	2 each floor	2	0	4	0	3	0
Smith—163 Connector Rd.	Hinman	Open	Open	Yes	Yes	Partial	No	2 each floor	2	0	4	0	3	0
Cascade—265 Connector Rd.	Mountainview	Open	Open	Yes	Yes	Total	Yes	3 each floor	2	0	4	0	3	0
Hunter—229 Connector Rd.	Mountainview	Open	Open	Yes	Yes	Total	Yes	3 each floor	2	0	4	0	3	1
Marcy—63 Appalachian Dr.	Mountainview	Open	Open	Yes	Yes	Total	Yes	3 each floor	2	0	4	0	3	0
Windham—305 Connector Rd.	Mountainview	Open	Open	Yes	Yes	Total	Yes	3 each floor	2	0	4	0	3	0
Bingham—720 East Dr	Newing	Open	Open	Yes	Yes	Total	Yes	4 each floor	2	0	4	0	3	0
Broome—730 East Dr.	Newing	Open	Open	Yes	Yes	Total	Yes	4 each floor	2	0	4	0	3	0

Note: All fire alarm systems are addressable

FIRE STATISTICS CONTINUED – Note: all street addresses end with “Vestal, NY 13850”

Residential Facility	Residential Community	Spring 2021 (Jan.–May)	Fall 2021 (Sept.–Dec.)	Total Building Fire Alarm (smoke/heat)	Monitored BUPD	Sprinkler System	Standpipe	Fire Extinguishers	Fire Drills 2020	Fires 2020	Fire Drills 2021	Fires 2021	Fire Drill 2022	Fires 2022
Delaware—680 East Dr	Newing	Open	Open	Yes	Yes	Total	Yes	4 each floor	2	0	4	0	3	0
Endicott—740 East Dr	Newing	Open	Open	Yes	Yes	Total	Yes	4 each floor	2	0	4	0	3	0
Brandywine—60 West Access Rd.	Susquehanna	Open	Open	Yes	Yes	No	No	1 each pod	2	0	4	0	3	1
Choconut—80 West Access Rd.	Susquehanna	Open	Open	Yes	Yes	No	No	1 each pod	2	0	4	0	3	1
Glenwood—76 West Access Rd.	Susquehanna	Open	Open	Yes	Yes	No	No	1 each pod	2	0	4	0	3	0
Nanticoke—68 West Access Rd.	Susquehanna	Open	Open	Yes	Yes	No	No	1 each pod	2	0	4	0	3	0

Note: All fire alarm systems are addressable

INCIDENTS AND ARRESTS ON CAMPUS AND OFF CAMPUS

The following information is reported in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act for short) and its amendments. The following data are presented to review crime activity on campus, both in residence and non-residence halls. This also includes non-campus buildings or property, which includes properties owned by student organizations officially recognized by or registered with the University and those owned by the University outside the University boundaries. Additionally, this includes public property, including thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the University. Formal requests for these crime statistics were made to the Vestal, Johnson City, Endicott and Binghamton Police and the Broome County Sheriff’s departments.

This section on University crime statistics is made available without identifying the victims and includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As required, hate crimes are reported. A hate crime occurs when a person is victimized intentionally because of their actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability. The definitions of these offenses, which are defined in the “Uniform Crime Report” and the Clery Act, appear later in this report.

RESULTS OF DISCIPLINARY PROCEEDINGS

Binghamton University will, upon written request, disclose to the alleged victim of a crime of violence or sex offense, the report on the results of a disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

CRIME AND REFERRAL DEFINITIONS

To thoroughly understand the statistics presented in these reports it is important to know that, for some definitions, the Clery Act requires the University to use definitions different from New York State Law and/or the Code of Student Conduct when compiling these statistics.

Following are Clery Act definitions of crimes and referrals and, where appropriate, New York State Law definitions and/or Binghamton University Code of Student Conduct definitions for comparison.

AGGRAVATED ASSAULT

Clery Act definition: 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.

ARSON

Clery Act definition: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

BURGLARY

Clery Act definition: The unlawful entry of a structure to commit a felony or a theft.

DATING VIOLENCE

Clery Act/Violence Against Woman Act (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 on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

Code of Student Conduct definition: The term “dating violence” means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

NYS Penal Law Definition: Any number of NYS Penal Law citations may be involved when reporting dating violence and/or domestic violence. These include, but are not limited to: rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct and larceny.

DOMESTIC VIOLENCE

Clery Act/VAWA definition: A felony or misdemeanor crime of violence committed...

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred;
- 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.

Code of Student Conduct definition: The term "domestic violence" means any felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person sharing a child with the victim, by a person cohabitating with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

NYS Penal Law definition: Any number of NYS Penal Law citations may be involved when reporting dating violence and/or domestic violence. These include, but are not limited to: rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct and larceny.

DRUG ABUSE VIOLATIONS

Clery Act definition: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

ILLEGAL WEAPONS POSSESSION/WEAPON LAW VIOLATIONS

Clery Act definition: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

NYS Penal Law definition: There are numerous prohibitions in NYS penal law regarding possessing weapons. These include:

265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when: (1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or (2) He or she possesses any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another.... Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

There are also laws specific to weapon possession on educational property. These include:

265.01-a — A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun or firearm in or upon a building or grounds used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York College of Environmental Science and Forestry or upon a school bus as defined in section 14 of the vehicle and traffic law, without the written authorization of such educational institution. Criminal possession of a weapon on school grounds is a class E felony.

265.06 — It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation.

This is not an exhaustive list of NYS weapon prohibitions.

LIQUOR LAW VIOLATIONS

Clery Act definition: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

MOTOR VEHICLE THEFT

Clery Act definition: The theft or attempted theft of a motor vehicle. (Including any self-propelled vehicle that runs on land surface and not on rails, such as motor scooters, trail bikes, mopeds, snowmobiles, golf carts and motorized wheelchairs.)

MURDER AND NON-NEGLIGENT MANSLAUGHTER

Clery Act definition: The willful (non-negligent) killing of one human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

MANSLAUGHTER BY NEGLIGENCE

Clery Act definition: The killing of another person through gross negligence. It is any death caused by gross negligence. In other words, it's something a reasonable and prudent person would not do.

ROBBERY

Clery Act definition: 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.

SEXUAL ASSAULT

Clery Act/VAWA definition: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. (Note: these definitions are included in this document.)

Code of Student Conduct definition: The term "sexual assault" is defined as a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York state is 17 years old.

RAPE

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

NYS Penal Law definitions: The citations that most closely meet the Clery Act definition of Rape are: S 130.25 Rape in the third degree. A person is guilty of rape in the third degree when:

1. he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. he or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the third degree is a class E felony.

S 130.30 Rape in the second degree. A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one

of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

S 130.35 Rape in the first degree. A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than eleven years old; or
4. who is less than thirteen years old and the actor is eighteen years old or more. Rape in the first degree is a class B felony.

FONDLING

Clery Act definition: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

There is no NYS Penal Law called "fondling." The closest NYS Penal Law citation that meets this Clery Act Definition would be: S 130.52 Forcible touching. A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire; or
2. subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.

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

Forcible touching is a class A misdemeanor.

INCEST

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

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of Incest is:

S 255.25 Incest in the third degree. A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest is a class E felony.

STATUTORY RAPE

Clery Act definition: Sexual intercourse with a person who is under the statutory age of consent (17 years old in N.Y.).

NYS Penal Law definition: There is no definition of Statutory Rape in the NYS Penal Law. See the above citations, under “Rape,” that most closely meets the Clery Act definition of Statutory Rape.

CONSENT

Code of Student Conduct definition: The term “Affirmative consent” means a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.” Note: this definition is required by NYS Education law.

NYS Penal Law definition: S 130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
 - a. forcible compulsion; or
 - b. incapacity to consent; or
 - c. where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or
 - d. where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances.

STALKING

Clery Act/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 — Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Code of Student Conduct definition: The term “stalking” means engaging in a course of conduct (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) directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of stalking is: S 120.45 Stalking in the fourth degree.

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

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

For the purposes of subdivision two of this section, “following” shall include the unauthorized tracking of such person’s movements or location through the use of a global positioning system or other device. Stalking in the fourth degree is a class B misdemeanor.

HATE CRIME DEFINITION

For the purpose of statistical disclosures the Clery Act requires the University to use the following definition of hate crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. This bias may be based upon the victim’s actual or perceived characteristic(s). Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

The following four crimes are only reported in the statistical disclosure if they are determined to be hate crimes.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving

apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Larceny-Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

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

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

UNFOUNDED CRIMES

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this 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 “unfound” a crime report.

CLERY GEOGRAPHY

On-Campus — means all property, including on-campus housing facilities, owned or controlled by an institution within the same reasonably contiguous geographic area used by the institution in direct support of, or in a manner related to, institutional educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, and is used by students and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facilities (Residence Halls) — means property owned or controlled by the institution used to provide housing for the institution’s students. This is a sub-set of On-Campus.

Non-Campus — means any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution’s educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

Public Property — means all public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

CRIME STATISTICS

**CRIMINAL OFFENSES
VESTAL**

	2020 Calendar Year					2021 Calendar Year					2022 Calendar Year				
	On-Campus		Off Campus			On-Campus		Off Campus			On-Campus		Off Campus		
	Residence Halls	Other On-Campus	Public Property	Non-Campus	Total	Residence Halls	Other On-Campus	Public Property	Non-Campus	Total	Residence Halls	Other On-Campus	Public Property	Non-Campus	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	5	1	0	0	6	19	2	0	0	21	12	0	0	0	12
Fondling	4	3	0	0	7	7	0	0	0	7	5	1	0	0	6
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	1	0	0	0	1	0	1	0	0	1
Burglary	7	5	0	0	12	6	2	0	0	8	2	0	0	0	2
Motor Vehicle Theft	0	2	0	0	2	0	2	0	0	2	0	0	0	0	0
Arson	0	0	0	0	0	0	2	0	0	2	1	1	0	0	2
VAWA Offenses															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	10	2	0	0	12	11	2	0	1	14	11	1	0	0	12
Stalking	20	27	0	0	47	35	12	0	0	47	48	21	0	0	69
Arrests															
Weapons	0	3	0	0	3	1	0	0	0	1	0	1	0	0	1
Drugs	18	16	0	0	34	8	3	0	1	12	0	3	0	0	3
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conduct Referrals															
Weapons	1	0	0	0	1	2	1	0	0	3	0	0	0	0	0
Drugs	71	31	0	0	102	159	0	0	0	159	0	0	0	0	0
Alcohol	220	4	0	0	224	329	10	0	0	339	157	2	0	0	159
Hate Crimes															
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	2 ⁽²⁾	0	0	2 ⁽²⁾	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	unfounded crimes=0					unfounded crimes=0					unfounded crimes=0				

Hate Crimes Key: (1) Race (2) Religion (3) Sexual orientation (4) Gender (5) Gender Identity (6) Disability (7) Ethnicity (8) National Origin

**CRIMINAL OFFENSES
HEALTH SCIENCES CAMPUS**

	2020 Calendar Year			2021 Calendar Year			2022 Calendar Year		
	On-Campus	Public Property	Total	On-Campus	Public Property	Total	On-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests									
Weapons	0	0	0	0	0	0	0	2	2
Drugs	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0
Conduct Referrals									
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0
Hate Crimes									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
	unfounded crimes=0			unfounded crimes=0			unfounded crimes=0		

CRIME STATISTICS CONTINUED

**CRIMINAL OFFENSES
UDC**

	2020 Calendar Year			2021 Calendar Year			2022 Calendar Year		
	On-Campus	Public Property	Total	On-Campus	Public Property	Total	On-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	1
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests									
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	1	0	1
Alcohol	0	0	0	0	0	0	0	0	0
Conduct Referrals									
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0
Hate Crimes									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0
	unfounded crimes=0			unfounded crimes=0			unfounded crimes=0		

Hate Crimes Key: (1) Race (2) Religion (3) Sexual orientation (4) Gender (5) Gender Identity (6) Disability (7) Ethnicity (8) National Origin

APPENDIX A

NYS PENAL LAW DEFINITIONS FOR SEX OFFENSES

1130.00 Sex offenses; definitions of terms. The following definitions are applicable to this article:

1. “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) “Oral sexual conduct” means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
(b) “Anal sexual conduct” means conduct between persons consisting of contact between the penis and anus.
3. “Sexual contact” means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether

directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.

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

APPENDIX B

ADDITIONAL INFORMATION ON NYS PENAL LAW DEFINITION OF CONSENT

A person is deemed incapable of consent when he or she is:

1. less than seventeen years old; or
2. mentally disabled; or
3. mentally incapacitated; or

- 4. physically helpless; or
- 5. committed to the care and custody or supervision of the State Department of Corrections and Community Supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital.

For purposes of this paragraph, “employee” means:

- an employee of the State Department of Corrections and Community Supervision who, as part of his or her employment, performs duties:
 - a. in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or
 - b. of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or
- an employee of the Office of Mental Health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or
- a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the State Department of Corrections and Community Supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or
- 6. committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, “employee” means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, “employee” shall also mean a person, including a volunteer or a government employee of the State Department of Corrections and Community Supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

- 7. committed to or placed with the Office of Children and Family Services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such Office of Children and Family Services and in residential care. For purposes of this paragraph, “employee” means an employee of the Office of Children and Family Services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training or direct supervision to persons committed to or placed in a residential facility operated by the Office of Children and Family Services; or
- 8. a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview or examination; or
- 9. a resident or inpatient of a residential facility operated, licensed or certified by (i) the Office of Mental Health; (ii) the Office for People with Developmental Disabilities; or (iii) the Office of Alcoholism and Substance Abuse Services, and the actor is an employee of the facility not married to such resident or inpatient.

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



Binghamton University is strongly committed to affirmative action. We offer access to services and recruit students and employees without regard to 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.