



## 2016 ANNUAL SECURITY REPORT

includes current security policies and crime  
statistics for calendar years 2016, 2015, & 2014.

# INTRODUCTION

The Annual Security Report (ASR) is a report that is required to be published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This report contains information related to college security policies and campus crime statistics. The information contained in this report is consistent with guidance provided by the State University of New York Office of General Counsel and the Handbook for Campus Safety and Security Reporting, published by the US Department of Education.

The 2016 ASR contains safety and security policies related to access to campus and access control, law enforcement authority and jurisdiction, incident reporting, timely warning and emergency notification, crime prevention and drug/alcohol abuse prevention programs, and sexual and interpersonal violence awareness and prevention programs. The crime statistics disclosed in this report are for the specific crime categories as required by the Clery Act. This report and its content is compiled and published by the University Police Department.

New York State University Police (UPD) at SUNY College of Optometry received 5 reports of criminal incidents during calendar year 2016. Of the 5 criminal incidents reported to UPD in 2016, no incident fell within the crime category required by legislation for this report as published in page 5 of the report. The crime statistics for the reporting years contained in this report were compiled from crime data provided by the New York City Police Department (NYPD), report from the College's Campus Security Authorities, and from the UPD Crime and Incident Report files. During calendar year 2016, UPD received a total of 1202 calls for service; ranging from aided requests, access requests, escorts, lost and found and property control.

If there are any questions with regards the information provided in this report, or to request for a hard copy of this report, and or for more information on College security policies, crime statistics, and safety resources, please contact Mr. Dapo Adurogbola, Assistant Chief of Police, at (212) 938 5578.

We can achieve our goal of a safe campus with your continued awareness and the UPD's diligent commitment towards the safety of entire College Community.



# About SUNY State College of Optometry

The State University of New York State College of Optometry, founded in 1971 by legislative act, is dedicated to the education of Optometrists, to the advancement of eye and vision care through research and graduate education, and to the care of communities through the provision of comprehensive visual health services through its University Eye Center. The College is a center of excellence within the State University of New York (SUNY) system.

The SUNY College of Optometry is located at 33 West 42nd Street, opposite the historic New York Public Library and beautiful Bryant Park, in the Midtown area of New York City. The College's home is an 18 story high rise building with an estimated 300,000 square feet. The building serves a population of about 408 students, 360 employees, and about 20,000 visitors to the building. The University Eye Center had about 70,000 patient visits every year and our 4th year students are assigned to some externship clinical and hospital sites located off campus.

In addition, College classrooms and other ancillary spaces, when not in use for College programs, are rented out to other organizations under a revocable permit agreement, generating additional human traffic coming into the College.

SUNY College of Optometry is a commuter campus with no housing or residential facilities.

## CONTENT:

### SECURITY & ACCESS TO THE COLLEGE

3

### SUNY UNIVERSITY POLICE STATUS AND RESPONSIBILITIES

3

### CAMPUS CRIME STATISTICS

4

### CAMPUS CRIME & INCIDENT REPORTING PROCEDURES

5

### SEXUAL ASSAULT, STALKING, & DOMESTIC VIOLENCE

6-10

### CRIME WARNINGS

11

### EMERGENCY RESPONSE PROCEDURES

11-12



## Security and Access to State College of Optometry

There are two entrances into the college; the main entrance is through 42nd street is opened 7am to 10pm on weekdays while the 43rd street entrance is opened from 7:00am until 7:00pm only on weekdays and closed all weekend. Both entrances are staffed by University Police Personnel. All students, faculty, and staff are issued identification cards, which they must show to the Desk Officer when entering the building, and wear conspicuously while inside the building. UPD Officers enforces 100% ID checks policy.

Visitors are checked against a daily guest list using a Visitor Management System. Expected visitors are pre-registered by members of the College Community. Visitors are issued a printed guest pass after the Desk Officer verifies the purpose of their visit. A security turnstile system is installed in the lobby to assist with access control into the building. Patient's access is limited to clinical floors only. University Police officers and security conduct continuous foot patrols of the building. University Police utilizes a CCTV surveillance system for access control and suspicious activities.

Officers conduct a monthly inspection and testing of all life safety equipment to ensure that these devices are functioning properly as designed and intended. Members of the College Committee on Health and Safety conduct an annual building safety audit and inspection, including a Workplace Violence risk assessment.

## SUNY University Police Officer Status and Responsibilities

University Police Officers are responsible for enforcing all applicable City, State, and Federal laws as well as SUNY Policies and College regulations. In order to do so, the University Police Officers have full law enforcement authority and have undergone required police academy training through standards established by the State of New York Municipal Police Training Council and Board of Trustees of State University of New York. Officers have been trained in emergency resuscitation procedure as first responders and they undergo continuous refresher training to upgrade their skills.

University Police works closely with the City of New York Police Department (NYPD) and with the officers at the Midtown South Police Precinct. Through a Memorandum of Understanding between both agencies, both agencies will share concurrent jurisdiction on College premises and areas immediately adjacent to the building. If a crime is committed on campus and an arrest is made, a University Police Officer with assistance from NYC Police Department will take the arrested person to the NYPD Midtown South Precinct to be fingerprinted. A "Crime Incident Report" will be completed by the arresting or responding officer and kept on file in the department.

## Relationship with Local Police Department & Emergency Responders



Criminal activities at off campus locations are reported to the NYPD. The "Memorandum of Understanding" (MOU) with the NYPD notes that the NYPD has primary jurisdiction on locations outside College premises. The MOU further states that both agencies will provide mutual assistance and cooperation with investigation and enforcement of laws, especially with regards to violent felony offenses or crimes.

The College also has (on file) an executed "Memorandum of Understanding" with the Fire Department of New York City (FDNY) and have provided the local FDNY Engine Company with a copy of the College's Emergency Response Plan.

## Campus Crime Statistics

The crime and referral statistics included in this report was based on information obtained from the following offices: University Police, Student Affairs, and Academic Affairs.

Information regarding crimes on adjacent streets and roadways was requested from New York City Police Department, but statistics for the exact geographical location requested was not available as of the date of compiling this report. Crime Categories listed below follows requirements of the Code of Federal Regulations 34CFR Sec.688.46 and pursuant to 20US Code Sec.1092 (f), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act."



## REPORTED CRIMES (PART 1)

CRIME CATEGORY	ON CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0

**unfounded cases:** there were no unfounded cases in 2016.

### HATE OFFENSES: ON CAMPUS

Hate crimes in above crime categories or for larceny/theft, simple assault, intimidation, destruction/damage/vandalism of property. The 8 categories of bias for required reporting are: Race, Gender, Religion, Sexual Orientation, Ethnicity, National Origin, Gender Identity, or Disability. There were no reported hate crimes during calendar years 2014, 2015, and 2016.

### CRIMINAL OFFENSES: OFF CAMPUS/RESIDENCE HALLS

\*Statistics (Head Count Only): For Arrests or Referrals for Disciplinary Action.

Arrests for local law violation on public property was compiled by NYPD without indicating specific categories.

### REFERRALS & ARRESTS

CATEGORY	ARRESTS			DISCIPLINARY REFERRALS		
	2014	2015	2016	2014	2015	2016
Weapons: carrying, possessing etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0

### INTERPERSONAL CRIMES

CATEGORY	ON CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0



## Crime Prevention Activities for Students and Employees

Members of the College Community are reminded to secure their valuables and be aware of their surroundings at all times. University Police have various programs to assist in this endeavor. A common theme of all our crime prevention programs is to encourage members of the College Community to be aware of their responsibility for their own safety and security as well as the security of others within the College.



A. University Police conduct a "Safety on Campus" talk during incoming Student's orientation that features topics in Personal Safety Awareness, Sexual Assault Prevention and Awareness, Bias Crimes Awareness, Emergency Evacuation, and Fire Safety & Emergency Procedures. University Police in conjunction with the Environmental Health and Safety Office conducts emergency preparedness training during new employee orientation and every academic year.



B. University Police produces informational brochures on various topics: Operation ID-Anti theft program, Alcohol and Drug Awareness, Safety Off-Campus, Emergency /Disaster management plans, and Sexual Assault Awareness, these brochures are displayed and distributed to the College Community.

C. University Police maintains and monitors a network of closed circuit cameras, access control devices, and intrusion alarm system throughout the College. This system is monitored at all times by University Police Personnel. All our security devices and access control equipment are inspected and tested on a daily or monthly basis for proper functioning.

# Timely Warnings & Emergency Notifications

In the event of a major emergency on or off campus, or if there is an event or incident that poses an ongoing or continuing threat to the safety of members of the College Community, University Police will prepare a "College Alert Bulletin" and distribute as follows:

- College website: UPD Safety Alert page
- College Electronic Mail distribution service
- Posting of flyers on College events/ activities board, and inter office mail distribution
- Safety Alerts (Timely Warnings) will be published when a crime (reportable under Clery Act) that UPD determines to be significant occur at the College.
- Timely Warnings will be issued on case by case basis

**Emergency Notification:** an emergency notification will be sent to members of the

College Community through the Rave Alert Emergency Mass Notification System upon confirmation of a significant emergency or dangerous incident. This system is capable of sending messages in the following formats: electronic mail and sms (text) messaging. Additionally, the College website and social media platforms will be utilized for dissemination of information. The system is tested annually during one of the scheduled evacuation drills. The Chief of Police or the Incident Commander will initiate the process to have the alert published. The following people have the authority to publish emergency messages: Chief Information Officer, Director of Communications/PIO, Director of Management Services, and the Assistant Chief of Police.

A Crime Log, maintained by the University Police, lists all crimes reported to UPD. The log is available for public viewing during regular business hours at the University Police main desk at 42nd Street entrance and also online on the University Police website.

## Sensitive and/or Personal Crimes

University Police conducts an annual safety and security awareness program during incoming students orientation on: prevention of crimes, importance of support services, and availability of assistance to victims of sexual assault or other personal crimes. Please note the section in the Student Handbook, which describes our policy on personal safety.

University Police will provide assistance to any affected college community member and escort the individual to the Midtown South Precinct in case of a serious crime. The Offices of Student Affairs, Human Resources, and University Police (via Student Handbook, Right-to-Know Programs, employee orientations, etc.) provide information to students and employees on how to handle and report crimes on campus.

**HAVE YOU REGISTERED YOUR  
CONTACT INFORMATION IN  
THE SUNY OPTOMETRY  
EMERGENCY NOTIFICATION  
SYSTEM (RAVEALERT)?**

**IF NOT, GO TO:**

**WWW.GETRAVE.COM/  
LOGIN/SUNYOPT**

# Procedure on Crimes or Incidents Reporting

All members of the College Community are urged to report in an accurate and timely manner criminal incidents, emergencies, and suspicious activities that occur on campus to the University Police Department, if the victim wants to or is unable to report. Any student or employee who wants to report an emergency, or a suspicious activity, or a crime should do the following:

1. Dial extension 5555 (emergencies only); be prepared to give your name, type of emergency and location. A University Police Officer will respond immediately and start an investigation. Once the emergency has been stabilized, the Officer will take a statement from the person reporting and complete a "Blotter Incident Report". This report will be kept in the department's electronic record management system.
2. To report a crime, notify an Officer at the University Police desk located in the first floor, or call ext. 5566. If the crime is in progress, the student or employee should call ext. 5555 from any campus phone. The person reporting the crime should be prepared to give their name, the nature of the crime, and the exact location. A University Police Officer will immediately respond, and when necessary, apprehend the perpetrator by making an arrest if a crime has been committed. A "Case Incident Report" will be completed for all criminal offenses. In some instances and depending on the severity of the crime, the New York City Police Midtown Precinct South, located at 357 West 35th Street, will be called for assistance. A copy of the "Case Incident Report" may be provided to the following individuals and departments:
  - A. College President
  - B. Vice President of Student Affairs .
  - C. SUNY Administration, Office of University Police and Public Safety .
  - D. In-house University Police File
3. While students are encouraged to report criminal incidents to the University Police Department, students may also, on \*voluntary and confidential basis, report Dean/VP Academic Affairs: ext. 5658 . VP Student Affairs: ext. 5500

There are no pastoral or professional counselors at the College of Optometry.

Academic and personal counseling are available to students through the Office of Student Affairs. Office of Social Work Services (ext 4040 & 4041) may be consulted for counseling on personal issues.. For long term needs, referral service is available from the aforementioned offices. Social Services staffs are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on voluntary and confidential basis to the offices above, for inclusion in the college's crime statistics.

\* Reports made to the above Offices are filed with University Police for information purposes only and are not investigated, but are included in the College Crime Statistics.

# College Policy Statements on Drug and Alcohol Abuse for Students

A. The State University of New York, State College of Optometry is committed to the development and maintenance of a drug-free environment. In accordance with the Drug Free Workplace Act of 1998 and the Drug-Free Schools and Communities Act Amendments of 1989, the College will not tolerate the abuse of alcohol, the unlawful possession, distribution, and use of controlled substances and alcohol on College premises.

B. It is the position of the State College of Optometry that the abuse of alcohol and or the illegal possession or use of other illicit drugs adversely affects the College Community's pursuit of its educational and patient care goals. Furthermore, as a state supported institution, it is the responsibility of the College and its University Police to uphold both the State and Federal Laws in this regard.

C. During authorized college events and when permission is granted, the college permits the consumption of alcoholic beverages on college premises by those who are of legal age that promise to abide by state laws and the guidelines established in the Students Handbook and the Workplace Drug and Alcohol Policy (<http://www.sunyopt.edu/HR/policies.shtml>).

D. University Police distributes flyers on the Dangers of Drinking to all students. Office of Student Affairs highlight information about drug and alcohol abuse during orientation, as well as through email reminders to the Student Council and their members about the college's concerns for limiting alcoholic use and the responsibilities each student organization has in monitoring that use during their events.

E. Smoking Policy - The College prohibits smoking within the building, outside the building within the property line, and within College owned vehicles.

## Sexual Assault, Stalking, & Domestic Violence Prevention

New York State statutes define sexual assault in various degrees. Sexual assault, of any kind, is a crime.

Sexual Assault is any actual or attempted non-consensual sexual activity, including but not limited to, forcible anal or oral sex, attempted intercourse, sexual touching, exhibitionism by a person(s) known or unknown to the victim.

**"IT IS THE POSITION OF THE STATE COLLEGE OF OPTOMETRY THAT THE ABUSE OF ALCOHOL AND/OR THE ILLEGAL POSSESSION OR USE OF OTHER ILLICIT DRUGS ADVERSELY AFFECTS THE COLLEGE COMMUNITY'S PURSUIT OF ITS EDUCATIONAL AND PATIENT CARE GOALS."**

### New Definition of Rape

"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."

**Stalking** is when a person 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 is likely to cause reasonable fear of harm to the health, safety, or property of such person, a member of such person's family, or a third party with whom such person is acquainted.

**Domestic Violence** is a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against an adult intimate partner with the goal of establishing and maintaining power and control over the victim.

(Intimate Partner: includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; couples who live together or have lived together; or persons who are dating or who have dated in the past, including same sex couples).

For more information about Domestic Violence, please review the COLLEGE policy at: <http://www.sunyopt.edu/HR/policies.shtml>.

**Dating Violence** means violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim, and where such relationship shall be determined by the length of the relationship and frequency of interaction between the involved persons.

## Applicable Laws

NYS Penal Law contains the following legal provisions defining the crimes related to sexual assault:

**Section 130.20 – Sexual Misconduct:** This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

**"FOR MORE INFORMATION OR TO FILE A SEXUAL ASSAULT OR HARASSMENT COMPLAINT, YOU MAY CONTACT THE TITLE IX COORDINATOR IN ROOM 933 OR CONTACT UNIVERSITY POLICE."**

**CONSENT: CLEAR, UNAMBIGUOUS, AND VOLUNTARY AGREEMENT BETWEEN THE PARTICIPATING TO ENGAGE IN SPECIFIC SEXUAL ACTIVITY.**

**Section 130.25./30./35 – Rape:** This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

## Sexual Assault, Stalking, & Domestic Violence Protocol & Prevention continued

**Section 130.40./45./50 – Criminal Sexual Act:** This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion, or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

**Section 130.52 – Forcible Touching:** This offense involves the forcible touching of 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. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

**Section 130.55./60./65 – Sexual Abuse:** This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

**CONFIDENTIALITY**  
**"THE COLLEGE WILL PROTECT THE PRIVACY OF ALL PARTIES TO A COMPLAINT OR OTHER REPORT OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE TO THE EXTENT POSSIBLE."**

**Section 130.65-a./66./67./70 – Aggravated Sexual Abuse:** This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis, or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

**Section 120.45./50./55./60 – Stalking:** This series of offenses occurs when a person engages in a course of conduct directed at a specific person, such that it causes that person or acquaintances of the person to be in fear of harm. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

## Information for Victims of Sexual Assault

If you are a victim of a rape or sexual assault, it is recommended that you seek medical attention immediately. If you are sexually or otherwise assaulted on campus, call University Police at ext. 5555. If the assault occurs off-campus, call your local police department at 911. The incident should be reported to the Title IX Coordinator, Mr. Doug Schading, in room 932 or at ext. 5882.

It is also suggested that you do not:

- Bathe or douche
- Change clothing,
- Comb your hair, or
- Disturb the area in which the crime or assault occurred

These actions destroy physical evidence that may be necessary to prove that criminal offense occurred, or to apprehend or convict the attacker.

**"REPORTING THE ASSAULT DOES NOT MEAN YOU MUST PROSECUTE, BUT THE REPORT MAY HELP AUTHORITIES IDENTIFY THE OFFENDER AND PREVENT THE VICTIMIZATION OF OTHER PEOPLE."**

## Why you should contact University Police or 911

To officially report the assault: you may decide days or weeks later to press charges. By reporting the assault immediately and preserving evidence, you will have the foundation for future prosecution. However, you have the right not to notify college officials. Reporting the assault does not mean you must pursue criminal prosecution. However, you will have access to resources available at the College and beyond. May include access to free forensic examination.

-Reporting the offense to the University Police or other Police agencies does not obligate you to press charges and your name will not be released to the news media. Remember, sexual assault is a crime committed against you, not by you. Do not blame yourself, Sexual assault is a traumatic experience, and it is recommended that victims seek counseling. Counseling services are available through the office of Social Services at ext. 4039 and Student Affairs at ext. 5500 (for referrals).

## Some Prevention Tips

- Let others know where you are going and when you expect to return.
- Walk with confidence and alertness. Assailants are less likely to target a person who appears assertive and difficult to intimidate.
- Report suspicious persons & activities immediately to University Police.

## Sexual Assault, Stalking, Dating & Domestic Violence Protocol & Prevention continued

### Acquaintance Rape

**Women** – alternatives to vulnerability

-More than 60% of all reported rape occurs between acquaintances, and 4 in 10 rapes occur in the home. Have first dates in public places and in groups.

- Communicate your sexual limits clearly. Don't give mixed messages.
- Remember that leaving a party or other social event with someone you have just met can be dangerous.

**Men** – alternatives to coercion

- Never force, pressure, or coerce anyone to have sex.
- Don't take silence as consent.
- Respect the word "NO".

-Don't have sex with anyone who is drunk. Be aware that having intercourse with someone who is unable to give consent or is physically helpless is rape.

Most acquaintance rape involves alcohol or drugs. Both men and women should avoid drugs and excessive alcohol in a dating situation. Don't allow your judgment to become impaired.

## University Police Sexual Assault Response Policy

Sexual Assaults, including date/ acquaintance rape, are of very serious concern to the University Police. If you feel you are the victim of a sexual assault on campus, University Police will do the following:

1. We will meet with you privately, at a place of your choice to take a report.
2. We will not release your name to the public or to the press.
3. We will treat you and your particular case with courtesy, sensitivity, dignity, understanding, and professionalism.

**"IF YOU BELIEVE YOU ARE A VICTIM OF SEXUAL VIOLENCE, CALL YOUR UNIVERSITY POLICE AT EXT. 5555.**

**ALL CALLS WILL BE HANDLED WITH PRIVACY. CONFIDENTIALITY WILL BE MAINTAINED AS PERMITTED BY LAW"**

4. We will assist you in arranging for any hospital treatment or other medical care.
5. We will assist you in privately contacting counseling, and other available resources.

6. We will fully investigate your case. This may lead to the arrest and full prosecution of a suspect. You will be kept up-to-date on the progress of the investigation and/or prosecution.

7. We will continue to be available to you, to answer your questions, to explain the judicial system and processes involved (prosecutor, courts, etc.)

8. We will take your case seriously regardless of your gender. If you believe that you are a victim of sexual assault, call your University Police at ext. 5555. All calls will be kept strictly confidential. University Police Officers will provide escorts when such assistance is requested.

## Procedure for Disciplinary Action

In the cases of alleged sexual assault, domestic violence, dating violence, & stalking, procedures are in place for on-campus fair & timely review of all complaints, which may result in disciplinary actions. Offenders may be subjected to criminal prosecution according to the NYS Penal law statute.

Where there is reason to believe the College's regulations prohibiting sexual misconduct have been violated, the College will pursue disciplinary action through established internal process. Sanctions to be imposed may include the possibility of suspension or dismissal. An individual charged with sexual misconduct will be subject to College disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending.

In on-campus disciplinary proceedings, the accuser and the accused are entitled to the same opportunities to receive written outcomes of the institutional disciplinary proceedings. Any rights or processes offered to an accused are also offered to a complainant., including right to appeal and to bring an advisor of choice to the proceedings.

**"WHERE THERE IS REASON TO BELIEVE THE COLLEGE'S REGULATIONS PROHIBITING SEXUAL MISCONDUCT HAVE BEEN VIOLATED, THE COLLEGE WILL PURSUE STRONG DISCIPLINARY ACTION THROUGH ITS OWN ESTABLISHED PROCEDURES. SANCTIONS INCLUDES THE POSSIBILITY OF SUSPENSION OR DISMISSAL FROM THE COLLEGE."**

The College considers dating violence, domestic violence, sexual assault and stalking to be serious violations subject to severe sanctions, to include dismissal from campus.

## Retaliation: Policy Statement

No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint, serves as a witness, assists or participates in any way in a proceeding involving allegations of sexual assault, domestic violence, dating violence or stalking. Individuals who experience retaliation should report the incident to University Police or Mr. Douglas Schading, Asst. VP for Human Resources/Affirmative Action Officer/TIXC.

## Prevention Education & Awareness

The college has educational programs to promote awareness of rape, including acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These educational programs include primary prevention and awareness programs for all incoming students and new employees.

These educational programs will include: a statement that these crimes are prohibited at the college; NYS definitions for consent, dating violence, domestic violence, sexual assault, and stalking;

safe and positive bystander intervention when these types of incidents happen in ones presence; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information on college's administrative disciplinary procedures.

# AFFIRMATIVE CONSENT

## Definition:

"Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression."

Additional the following conditions further explain Consent:

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

## Amnesty for Alcohol & Drug Use

### Violations:

The health and safety of every student at the College of Optometry is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to 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 a College official or law enforcement will not be subject to College 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.

## Students Bill of Rights

Students or employees who report being victims of dating violence, domestic violence, sexual assault, or stalking to any college official or University Police will be provided with the written Students Bill of Rights document. The document explains the rights afforded to the person reporting, options for disclosing and availability of resources and interim measures, including counseling, medical, and advocacy. (see SUNY Sexual Assault & Violence Response (SAVR) resources website)

## Options for disclosing:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially disclose a crime or violation to Office of Social Services
- Anonymously disclose a crime or violation using University Police Incident Report website (for detailed information on confidentiality and privacy, visit [Options for Confidentially Disclosing Sexual Violence]).
- Make a report to:
  - A College official with the authority to address complaints, including the Title IX Coordinator, a Student Conduct Officer, or a Human Resources employee;
  - University Police;
  - New York State Police Hotline 1 844 845 7269, NYPD Special Victims Division (646 610 7272); and/or
  - Family Court or Civil Court.

**Privacy & Confidentiality:** At SUNY Optometry only the Social Workers, while providing counseling services can guarantee confidentiality to a reporting individual. However, all SUNY Optometry employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. College officials will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

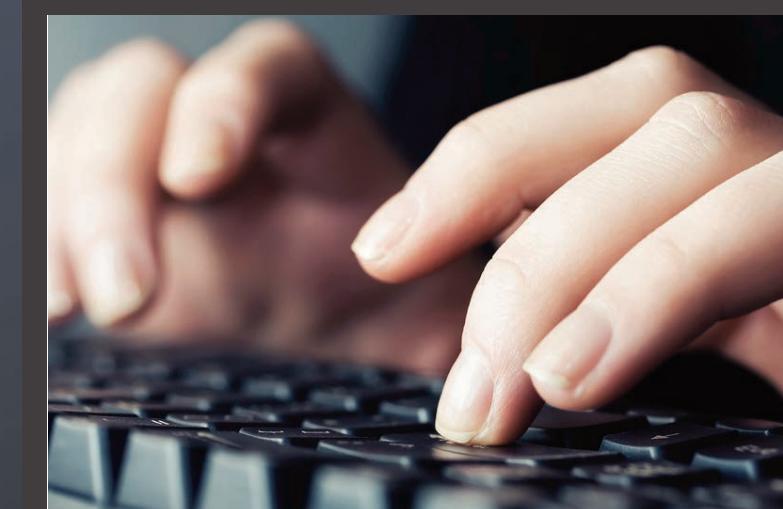
# COMMUNITY RESOURCES

## *Sexual Assault*

&

## *Violence Response*

<http://www.suny.edu/violence-response/>



# Registered Sex Offenders

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a Federal Law that provides for the tracking of convicted sex offenders enrolled at, or employed by institutions of higher education. The New York State Division of Criminal Justice Services will notify University Police if and when a registered sex offender enrolls at or becomes employed by SUNY College Optometry. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. Any member of the college community interested in obtaining information about any registered sex offender enrolled at or employed by the college should inquire at the University Police Information desk on the 1st floor.

In addition, anyone can access and review the Division of Criminal Justice Services' Sex Offender Registry Subdirectory at, <http://criminaljustice.state.ny.us/nsor/index.htm>, or the US Department of Justice Sex Offender website at <http://www.nsopr.gov/> to check if a sex offender resides in their local area.

## Written Notification: Procedure

The College will provide written notification to students and employees about available local counseling and mental health services, academic support services, victim advocacy agencies, legal aid services, and any other services that are available locally to victims of dating violence, domestic violence, sexual assault, and stalking.

### *The college encourages safe and positive bystander action and intervention*

The college will also provide information about these services in writing to victims of these crimes using the established Model Notification for Victims of Sexual Violence template document.

#### **For Survivors/Victims:**

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

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

# Personal Safety Policy

## Policy Statement

The State College of Optometry will provide information to our College community regarding sexual assault and other personal safety issues annually. College offices such as Academic Affairs, Student Affairs, and University Police will refer victims to local support agencies and assist them with the reporting of the crime to local authorities. The College President will take measures as deemed appropriate after due process and careful consideration with respect to any member of the College Community involved in a sexual assault or any other sensitive crime.

#### **Objectives**

- I. To annually update and provide information regarding sexual assault in the student handbook, which includes local referral, sources, as well as in employee orientation materials.
- II. To provide a special seminar for new students during orientation program, which describes prevention and the importance of support services, should a student require them.
- III. To assist any member of the college community who may be a victim of sexual assault, or other personal crimes, with securing counseling services and reporting the crime to the authorities.
- IV. To educate and train University Police Personnel and individuals who advise and/or supervise students in regard to prevention and the importance of support services for members of the College Community who may be victims of sexual assault and other crimes.

*Members of the college community may report an incident or file a complaint online at :*

[http://www.sunyopt.edu/  
forms/incident\\_report](http://www.sunyopt.edu/forms/incident_report)



# Policy on Credit Card, Marketing, and Advertising

Currently the college prohibits the marketing, advertising, or merchandising of credit cards on College premises to students.

## Bias Crime Awareness

### Hate Crimes and the Law:

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or 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 (Public Law 102-275 April 23, 1990) and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of this New York State law may be requested from University Police main desk in the 42nd street lobby.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures according to the "Policy on Ethical and Professional Student Conduct" where sanctions including dismissal are possible.

### Hate or Bias-Related Incidents:

In addition to preventing and prosecuting hate or bias crimes, SUNY Optometry Police will also assist in addressing bias-related activities that do not rise to the level of a crime.

These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the College of Optometry community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Hate incidents involve behaviors that, though motivated by bias against a victim's race, religion, ethnic/national origin, gender, age, disability, or sexual orientation, are not criminal acts. Hostile or hateful speech, or other disrespectful/discriminatory behavior may be motivated by bias but is not illegal. They become crimes only when they directly incite perpetrators to commit violence against persons or property, or if they place a potential victim in reasonable fear of physical injury. Bias incidents can be reported to University Police, or to the Office of the Human Resources and Affirmative Action on the 9th floor, or to the Office of Student Affairs on the 11th floor. University Police will conduct a thorough and impartial investigation and document any evidence found in all bias-related incidents.

#### Procedures to Initiate a Formal Complaint:

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling extension 5555 in an emergency, or go directly to the University Police main desk in the 42nd street lobby. A University Police Officer will investigate complaints received and follow the appropriate adjudication procedures.

#### Services and Resources:

Victims of bias crime or bias incidents can avail themselves of counseling and support services when referred from the campus. Information can be received from the Office of Students Affairs on the 11th floor at extension 5500 and the SUNY resource page at [www.response.suny.edu](http://www.response.suny.edu).

For general information on SUNY College of Optometry security procedures, please view the Annual Campus Safety and Security Awareness Report on the college website at <http://www.sunyopt.edu/police/reports.shtml> and the College's Health and Safety Committee Report available from room 3M12. In addition, security procedures and policies are available in the Student Handbook. The college's crime data can be viewed by the general public on the US Department of Education's website at <http://ope.ed.gov/security>.

For more information on college security procedures and bias crimes, including up-to-date statistics on campus crimes, please call Mr. Dapo Adurogbola, Assistant Chief of Police, at extension 5578.

## Crime Warnings

### Walking

1. Avoid traveling alone at night. This is a common statement, but should be particularly adhered to in large city.
2. Confine walking to well-lit, regularly traveled streets and pathways. Avoid shortcuts and keep away from alleyways or any other area where someone may hide.
3. Do not hitchhike or accept rides from casual acquaintances.
4. While walking to your vehicle or residence, have your keys ready in your hand.
5. When using the subways or buses have your Metro card or exact change ready in an accessible pocket to eliminate the need of opening a purse or wallet in front of others. This may also save you from waiting in lines.
6. Upon getting out of a car or off public transportation, take a look around to make sure that you are not being followed.
7. If you find yourself confronted by an assailant, you must remember that while screaming and struggling may in some instances frighten off the assailant, in other instances such actions may further provoke the assailant and bring forth a more violent reaction.

Above all you must keep your "cool" and assess the situation before choosing your course of action. Whether or not the assailant is armed or has made threats against your life will obviously be a determining factor in your decision.

### Driving

1. Do not pick up strangers.
2. Keep your windows closed and doors locked.
3. Avoid stopping in poorly lit, out-of-the-way places.
4. If you think you are being followed, stay in populated areas. Look for places where there are people, then stop and let the vehicle behind you pass. If the vehicle continues to follow you, seek out a place where assistance is easily accessible (i.e., gas station, police station, etc.).
5. When parking at night, choose well-lit areas. Before getting out of your vehicle, check for people around you.
6. Before entering your vehicle, always check the interior, paying particular attention to the floor and rear seat.

### Private Residence

1. Keep the door(s) to your residence and accessible windows locked at all times.
2. Do not keep your residence and vehicle keys on the same ring.
3. Women living alone should not use the prefixes "Ms.," "Miss" or "Mrs." on their doors or mailboxes. Instead, use the first initial and last name. This is also advisable for telephone directories.
4. If you receive obscene or harassing telephone calls, or several calls with no one on the other end, immediately notify the Police.
5. If you find that your room/home has been entered do not go inside. Go to a neighbor and call the police.
6. If you discover an intruder, do not antagonize them because they may be armed. Be very cautious!

## Additional Crime Warnings

1. During holiday seasons, the risk of the theft and other personal crimes generally escalates. Please be extremely cautious with carrying too much money or too many packages and carefully follow all of the previous warnings.
2. During the summer season, jewelry tends to be more visible making the wearer a possible target for assault. Be especially careful about the amount and type of jewelry you wear or expose during these months.

## Fire Safety—Procedures, Statistics, Reports, and Documentation

Since the college does not own or operate a student housing facility, the college is not required to comply with the requirement of this section. However, the College is equipped with a new integrated fire alarm system that is capable of monitoring fire detection devices, sound an emergency alert signal, and can be used to make emergency related broadcast related to evacuation instructions as needed. The system is equipped with smoke and heat detectors, speaker strobes, sprinklers, and specialized suppression system.

## Emergency Response and Evacuation Procedures

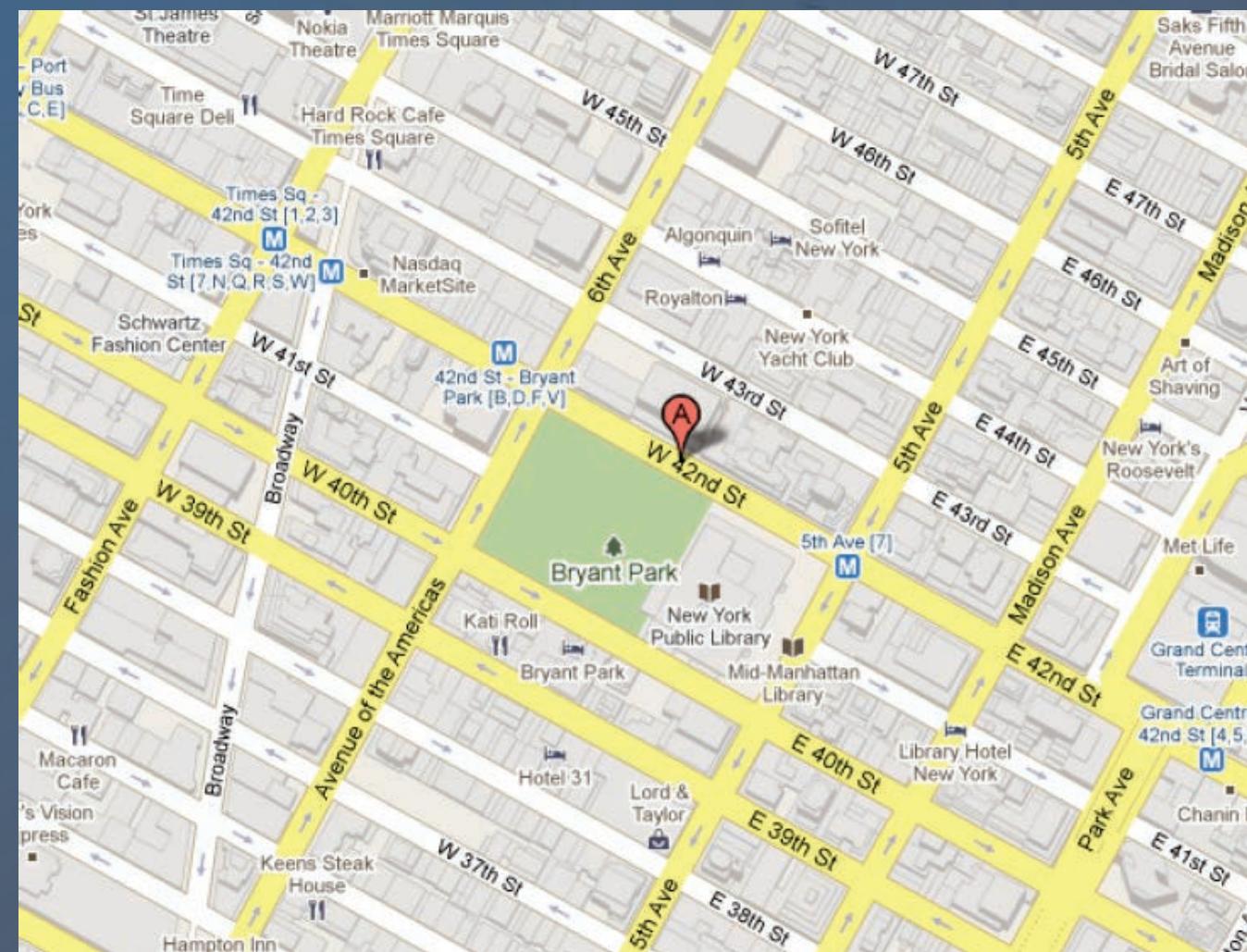
The College has an All Hazards Emergency Response Plan that covers response procedures to various emergencies that may occur at the College. Emergency Response procedures are also posted on every floor in the building and published as a pocket guide which is distributed to all members of the community. Members of the College Community are urged to report emergency conditions by calling University Police or by directly activating the fire alarm pull station. All life safety and security devices and equipment are inspected on a monthly basis and at required frequencies by regulations.

The Fire Alarm Command Panel is used to initiate an evacuation signal to the College Community. Occupants are required, upon hearing the evacuation signal, to relocate to the temporary staging area on their floors and await further evacuation instructions. The command center will issue evacuation instructions to each floor and or through each floor's warden. The command center also coordinates the sequence of evacuation; starting with the floor of the emergency, followed by the immediate floors above and below the floor of the emergency. Occupants are instructed to congregate at a predetermined evacuation gathering location outside the building to take account of those that have safely evacuated the building.

The following groups are responsible to investigate an emergency, direct the required response actions, and assist with evacuation:

- ♦ University Police
- ♦ Environmental Health & Safety
- ♦ Facilities & Maintenance Staff
- ♦ Fire Wardens, Deputy Wardens, and Searchers
- ♦ Emergency Response Resource Group (ERRG)

Communication about emergency incidents and required response actions is relayed to the College Community through the College website and Rave Alert Emergency Notification System..



## Emergency Resources

### Information on college closure:

If the College is to be closed due to extraordinary situations or emergencies, only the Governor has the authority to close a state facility or agency. Whenever the College is to be closed in this regard, information on College closure status will be made available through the following sources:

- Check message on College website: [www.sunyopt.edu](http://www.sunyopt.edu)
- Check message on College main voicemail: dial 212-938-4000
- Rave Alert Emergency Mass Notification System  
{to register: <http://www.getrave.com/login/sunyopt>}

### Off-Campus Emergencies:

Emergency (Medical)	NYC EMS	911
Crime-in-Progress	NYPD	911
Rape or Sexual Assault	Report Hotline	212-267-7273
Crime Victim	Victim Services	212-577-7700
Crisis Counseling	Referral Hotline	212-532-2400
Terrorism Tips	Helpline	1-800-LIFENET
Identity Theft	Hotline	1-888-NYC-SAFE
	FTC Hotline	1-866-SAFE-NYS
		1-877-IDTHEFT

### On-Campus Emergencies:

The Office of the University Police, located on the first floor, should always be notified first for on-campus emergencies in order to facilitate proper and prompt response to such emergencies. Moreover, many situations can be resolved by University Police Officers.

### Useful Resources:

Problem	Contact	Telephone#
Accident/Injury	University Police	5555
Emergency (Medical)	University Police	5555
Safety issue	University Police	5555
Information	University Police	5566
Chemical spill	Env. Health & Safety	5581
Illness	Nurses Station	4091
Counseling	Social Services	4040
	Student Affairs	5500
Title IX Coordinator	Human Resources	5880
	Doug Schading	5882