



# MVCC

MOHAWK VALLEY COMMUNITY COLLEGE

## Rome Campus 2020

Annual Security Report, Fire Report & Right to Know  
2020, 2019, 2018 Clery Crime Statistics

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Dear Campus Community Member,

Thank you for taking the time to read this publication. It is full of helpful information regarding safety and security on Mohawk Valley Community College campuses.

The report is part of our continuing effort to inform you of the safety programs and services available to the College community, the crimes that are reported to our Public Safety personnel and local police, and the steps you can take to maintain a safe and secure campus. It is also provided as our compliance document mandated under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as well as the Annual Fire Safety Report that is required by the Higher Education Opportunity Act.

We take the commission of crimes against our students, faculty, staff and visitors seriously, and we investigate all reported crimes. In an effort to better serve the College, the Mohawk Valley Community College Department of Public Safety collaborates with other law enforcement agencies to reduce crime on campus. There are also many programs on campus that are offered to educate community members as well as enhance the security and safety of the campus.

Safety and security is a shared responsibility. We welcome your assistance in contributing to a safe campus and by attending our crime prevention and security awareness programs, remaining vigilant, and reporting crime in a timely manner. Together we can help keep our campuses a safe place for everyone.

Sincerely,

A handwritten signature in black ink that reads "Chief David J. Amico". The signature is written in a cursive, flowing style.

Chief David J. Amico  
Executive Director of Public Safety and Emergency Management

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# Campus Safety

At Mohawk Valley Community College, safety and security is a shared responsibility. In addition to the uniformed presence of the Department of Public Safety, the best protection against campus crime is an aware, informed, alert campus community who use reason and caution.

While the majority of our students, staff and visitors will never become the victim of a crime, crimes sometimes occur despite our best efforts. This information is intended to provide useful information relating to campus safety, and to keep our students, employees and guests well informed about our crime statistics in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. We are committed to providing a safe and secure environment for the campus community.

We provide this information so that you can make informed decision in regards to your safety. If you have any concerns, questions or comments about federal or state law requirements or Mohawk Valley Community College's compliance with these laws, please contact Mohawk Valley Community College Department of Public Safety at (315) 792-5566 on the Utica Campus, or (315) 334-3559 for the Rome Campus.

## Disclosure of Campus Statistics

The Department of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at <https://www.mvcc.edu/public-safety/> by clicking on the Department of Public Safety tab, and then clicking on the 'Public Information' tab. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus, the Department of Public Safety, Student Affairs, the MVCC Dormitory Corporation and other Public Safety authorities. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Department of Public Safety, other local law enforcement agencies and designated campus officials considered to be "Campus Safety Authorities" (CSA's). Examples of Campus Security Authorities include but are not limited to: The Dean of Students who oversees student housing, a student center of student extracurricular activities; or a Director of Athletics, a team coach or a faculty advisor to a student group; or a Resident Director. If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

These statistics include crimes that occur on campus, in residence halls and on the local streets surrounding the campus. Counseling Services staff informs their clients of the procedures to report crime to the Department of Public Safety on a voluntary and/or confidential basis, should they feel it is in the best interest of the client. There are several procedures in place to anonymously capture crime statistics for the college.

The Annual Security Report is prepared by the Executive Director of Public Safety and Emergency Management. Each year, an email notification is made to all faculty, staff, and enrolled students that

includes an attachment to access the report. All prospective employees are provided with a "Right to Know" booklet, which incorporates the Clery Crime statistics for the past three (3) years. Human Resources staff members also inform prospective employees that they may access the full Annual Security Report on the MVCC website for additional information.

Copies of this report may also be obtained at the Mohawk Valley Community College Department of Public Safety located at 1101 Sherman Drive Utica, New York 13501 Academic Building Room 106, or by calling (315) 792-5566 on the Utica Campus, or the Rome Campus at 1101 Floyd Avenue, Rome New York 13440 Plumley Complex room 118 or by calling (315) 334-3559.

## Statistic Reporting

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law (the Clery Act). It is important to note that the crime classification definitions for which colleges and universities must provide statistics for the Clery Act differ from the state definitions. *For example, the crime statistics reported under the Jeanne Clery Act include the following:*

1. Uniform Crime Reporting Program (UCR) Definitions which include:

Murder & Non Negligent Manslaughter, Negligent Manslaughter, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Rape, Fondling, Incest, Statutory Rape

\*UCR reporting includes any Hate/Bias crimes of the above, as well as any incident of Larceny-theft, Simple Assault, Intimidation, or Destruction/damage/vandalism of property that were motivated by bias.\*

2. Arrests and referrals for disciplinary action which include:

Arrests for Liquor Law Violations, Drug Law Violations, Illegal Weapons Possession,  
Referrals for Liquor Law Violations, Drug Law Violations, Illegal Weapons Possession

3. Violence Against Women Act of 2013 Definitions which include:

Domestic Violence, Dating Violence, Stalking

The number of victims involved in a particular incident are individually indicated in the statistics column for the following:

Criminal Homicide Offenses, Sex Offenses, VAWA Offenses, Hate/Bias Offenses and Aggravated Assault.

*For example, if an aggravated assault occurs and there are three (3) victims, this would be counted as three (3) aggravated assaults in the crime statistics chart.*

The number of offenses in a particular incident are individually indicated in the statistics column for the following:

Robbery, Burglary, Motor Vehicle Theft, and Arson.

*For example, if five (5) students are walking across campus together and they are robbed, this would count as one (1) instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.*

The number of offenders involved in a particular incident are individually indicated in the statistics column for the following:

Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession.

*For example, if a Drug Law Violation occurs and there are three (3) offenders that are arrested as a result, this would be counted as three (3) Drug Law Violation Arrests in the crime statistics chart. In the same example, those three (3) offenders would not be listed in the Drug Law Violation Referral for Disciplinary Action statistics, even if both the arrest and disciplinary referral occurred as a result.*

## Clery Term Definitions

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

*Advisor* - any individual who provides the accused or victim/survivor with support, guidance and/or advice.

*Affirmative Consent* - a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.

Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.

Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity.

Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

*Aggravated Assault* - An unlawful attack by one person upon another for the purpose of inflicting

severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

*Bias Crime* - See 'Hate Crime'

*Burglary* - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

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

*Bystander intervention* - A bystander's safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

*Clery Coordinator* - Not an official title, but informally used to reference the individual, office, or group of individuals or offices tasked with collecting data for the Annual Security Report and submission to the Department of Education.

*Code* - As used here, this refers to the college or university's Student Code of Conduct (or equivalent, if it is differently-named), for which changes are subject to the approval of the College Council for State-operated colleges and Board for Community Colleges.

*Code of Conduct* - The written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

*Consent* - Consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Requesting and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn, sexual activity must stop.

*\*\* The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.*

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

*Dating Violence* - The term "dating violence" means violence committed by a person

1. Who has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such relationship shall be determined based on the reporting party's statement with consideration of:
  - I. The length of the relationship
  - II. The type of relationship
  - III. The frequency of interaction between the persons involved in the relationship

*Discrimination* - Occurs whenever a person is denied equality of opportunity because of race, creed, color, sex, religion, national origin, ancestry, age, disability, marital status, sexual orientation, criminal record or

veteran status.

*Domestic Violence* - The term 'domestic violence includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similar 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.

*Drug Abuse Violations* - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

*Forcible Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*Forcible Rape* - The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

*Forcible Sodomy* - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or

permanent mental or physical incapacity.

*Hate Crime* - A reported crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

*Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Larceny* - The unlawful taking of property from the possession, or constructive possession, of another.

*Liquor Law Violations* - The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

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

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

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

*Non-consent* - Silence, in and of itself, cannot be interpreted as consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual

act.

Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the capacity to fully, knowingly choose to decide about participating in sexual activity, whether due to a disability that limits informed sexual decision-making, or because of impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or otherwise cannot consent.

*Non-professional counselors and advocates* - campus support resources that are not privileged or confidential. These individuals are not required to reveal personally identifiable information about a victim/survivor to the Title IX Coordinator, Clery Coordinator, or anyone else on campus. They are required to report aggregate data to the Title IX Coordinator, including nature, date, time, and general location of the incident.

*Preponderance of the Evidence* - the standard of proof in sexual harassment and sexual assault cases, which asks whether it is "more likely than not" that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

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

*Privileged or Confidential Resources* - Individuals that, with very few exceptions, are confidential resources to those wishing to disclose sexual violence. Such resources include licensed medical

professionals, licensed mental health counselors, and clergy.

*Protected person/individual* - a person protected by an Order of Protection, which is issued by the court to limit the behavior of someone who harms or threatens to harm another person.

*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.

*Reporting individual* - shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to refer to an individual who brings forth a report of a violation.

*Respondent* - a person accused of a violation who has entered an Institution's judicial or conduct process.

*Responsible employee* - an employee with the authority to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, then the college is considered on notice of that sexual violence.

*Retaliation* - adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

*Robbery* - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

*Sexual activity* - shall have the same meaning as "sexual act" and "sexual contact" as provided in 18

U.S.C. 2246(2) and 18 U.S.C. 2246(3).

*Sexual assault* - 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.

*Sexual Assault with an Object* - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity

*Sex discrimination* - includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the SUNY campus or whether it occurs during work hours. Sex discrimination can be carried out by other students, college employees, or third parties. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.

*Sexual harassment* - unwelcome, gender-based verbal, non-verbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

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

*Sex Offenses Non-Forcible* - Unlawful, non-forcible sexual intercourse.

*Sexual violence* - physical sexual acts perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

*Stalking* - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress

*Statutory Rape* - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

*Title IX Coordinator* - the Title IX Coordinator and/or his or her designee or designees.

*Victim/survivor* - a person who suffers personal, physical, or psychological injury. The policies use "victim/survivor," and campuses are encouraged to ask each individual disclosing or reporting sexual violence how that person wants to be identified-- whether as victim, survivor, witness, or another term.

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

## Geography Definitions

*On-Campus* - (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

*Non-Campus Building Or Property* - (1) Any building or property owned or controlled by a student organization that is officially recognized by the

institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*On-Campus Student Housing Facilities* - Statistics are included also in the On-Campus statistics; they include only incidents which occurred in the residence halls

*Public Property* - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## Hate Crime Definitions

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

Prior to 2009 reportable hate crimes included any of the aforementioned offenses and any other crime involving bodily injury where the victim was selected because of the perpetrator's bias. The categories of bias are: race; gender; religion; sexual orientation; ethnicity and disability. Additional crimes were included in the 2009 statistics due to changes made in the law. The additional crimes that are required to be reported are; Simple Assault, Larceny – Theft, Intimidation and Destruction/Damage/Vandalism of Property.

In August of 2008 HEOA S 488, 20 U.S.C. S 1092 (f) (1) F (ii) modified the above hate crimes to include the following additional crimes under the hate crime category:

*Larceny Theft* - The unlawful taking of property from the possession, or constructive possession, of another.

*Intimidation (Includes Stalking)* - 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.

*Vandalism* - 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.

*Simple Assault* - An unlawful physical attack by one person upon another where neither the offender displays a weapon, or 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.

## 2020 Statistics

### Mohawk Valley Community College - Rome Campus - 2020 Clery Statistics

Offense	On-Campus Property	Non-Campus Property	Public Property	On-Campus Residence Halls
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	1	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapon Offenses</b>				
Liquor Law Violations Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Violations Arrests	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Weapon Law Possession Arrests	0	0	0	0
Weapon Law Possession Referred for Disciplinary Action	0	0	0	0
<b>VAWA Offenses</b>				
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	0	0	0	0
<b>Hate/Bias Offenses</b>				

There were *no crimes* during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity.

## 2019 Statistics

### Mohawk Valley Community College - Rome Campus - 2019 Clery Statistics

Offense	On-Campus Property	Non-Campus Property	Public Property	On-Campus Residence Halls
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapon Offenses</b>				
Liquor Law Violations Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Violations Arrests	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Weapon Law Possession Arrests	0	0	0	0
Weapon Law Possession Referred for Disciplinary Action	0	0	0	0
<b>VAWA Offenses</b>				
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	1	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	1	0	0	0
<b>Hate/Bias Offenses</b>				

There were *no crimes* during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity.

# 2018 Statistics

## Mohawk Valley Community College - Rome Campus - 2018 Clery Statistics

Offense	On-Campus Property	Non-Campus Property	Public Property	On-Campus Residence Halls
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapon Offenses</b>				
Liquor Law Violations Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0
Drug Law Violations Arrests	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Weapon Law Possession Arrests	0	0	0	0
Weapon Law Possession Referred for Disciplinary Action	0	0	0	0
<b>VAWA Offenses</b>				
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	0	0	0	0
<b>Hate/Bias Offenses</b>				

There were *no crimes* during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity.

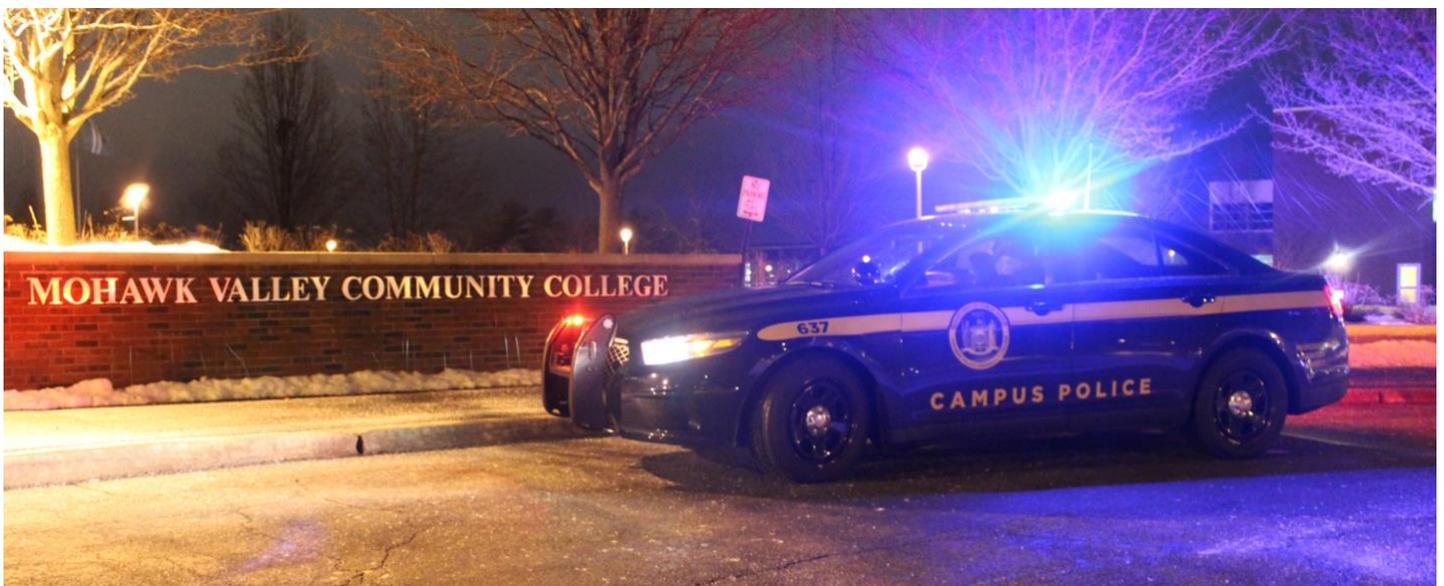
## Campus Law Enforcement Authority Policy

Mohawk Valley Community College Department of Public Safety employs both Public Safety Officers and Senior Public Safety Officers. The fundamental difference between the two is that the Senior Public Safety Officers are sworn law enforcement officers who are designated as Peace Officers under New York State Criminal Procedure Law. Senior Public Safety Officers have full arrest powers on the college campus and criminal incidents are referred to the Senior Public Safety Officers. These officers have the authority to apprehend and arrest anyone involved in illegal acts on-campus. Their jurisdiction encompasses all campus property.

Mohawk Valley Community College Public Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Mohawk Valley Community College. Public Safety Officers have the authority to issue tickets on Mohawk Valley Community College property or property leased by Mohawk Valley Community College. Public Safety Officers do not possess arrest powers.

If minor offenses involving College rules and regulations are committed by a Mohawk Valley Community College student, any Department of Public Safety Officer may also refer the individual to the disciplinary division of Student Affairs.

Mohawk Valley Community College Department of Public Safety and both the Utica and Rome Police Departments have jurisdiction on each respective campus to investigate crimes through a Memorandum of Understanding. The New York State Police and the Oneida County Sheriff's Department also have jurisdiction on campus and will respond when the local police are not available or need assistance. The Mohawk Valley Community College Department of Public Safety maintains a professional working relationship with each of the agencies with concurrent jurisdiction.





Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the Utica Police Department or Rome Police Department and joint investigative efforts with investigators from the MVCC DPS and city police are deployed to solve these serious felony crimes. The prosecution of criminal offenses, both felony and misdemeanor, are conducted at:

Utica City Court,  
411 Oriskany Street West Utica, New York 13502; and

Rome City Court  
100 West Court Street, Rome NY 13440.

All crime victims and witnesses are strongly encouraged to immediately report crime to the Department of Public Safety and the Utica Police Department. Prompt reporting will assure timely warning notices on campus, timely disclosure of crime statistics and will assist the appropriate law enforcement agency in its investigation of crimes occurring on campus.

GENERAL ORDER

	Subject:		Effective Date:
	Use of Force and Deadly Physical Force		June 13, 2019
	DCJS Standards:	CALEA Standards:	Revision Date:
20.1, 20.5, 20.6, 21.2, 21.2, 32.3	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8	-	
Issuing Authority:			
 David J. Amico, Executive Director of Public Safety and Emergency Management			

Policy

It is the policy of the Mohawk Valley Community College Department of Public Safety that officers use only that level of force that is reasonably necessary to control an incident, to affect an arrest, or to protect themselves or others from personal harm or death. The degree of force used by the officer should be within the limits established by Article 35 of the New York State Penal Law, and consistent with the training given by the Mohawk Valley Community College Department of Public Safety.

Definitions

Objectively Reasonable: An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

Physical Injury: Impairment of physical condition or substantial pain.

Low-Level Force: A level of force or control that is neither likely nor intended to cause physical injury.

Intermediate Force: A level of force that, under the circumstances in which it is used, is readily capable of causing physical injury.

Non-Deadly Force: The use of force which is applied to compel compliance, which is not intended to cause serious physical injury. All low-level and intermediate force is non-deadly force.

Deadly Physical Force: The use of force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. Deadly physical force is not limited to the use of firearms.

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Reportable Force: Any use of force which requires official documentation for departmental review. Some low-level force is Reportable Force. All Intermediate Force and all Deadly Physical Force is Reportable Force.

# Guidelines

## A. USE OF FORCE

1. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
  - a. By law, an officer need not retreat in performance of their lawful duties, but a tactical retreat in the face of overwhelming odds may be a wise choice.
2. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances.

## B. APPROVED EQUIPMENT AND USAGE

1. Only departmental issued or approved equipment will be carried on duty and used when applying physical force, except in emergency situations when an officer must use any resources at his disposal.
2. Officers shall use less lethal substances and devices such as a conducted energy weapon, a baton, or self-defense spray pursuant to departmental policy and training.
3. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment, unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g. prisoner is very elderly or handicapped, etc.)
  - a. Any subject who is handcuffed will be handcuffed behind the back unless in the officer's judgment, unusual circumstances exist which make this impossible or unnecessary (e.g. prisoner is very elderly or handicapped, etc.) Handcuffs will always be double locked.
  - b. Handcuffs will be inspected, if possible, to ensure they are not injuring the subject. Adjustments may be made at the officer's discretion to ensure the subject does not receive injury, however, this will not be done if the officer risks injury to him/herself or others in doing so.
  - c. The mere placing of handcuffs on a prisoner will not be construed to be reportable force.

## C. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE:

1. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
2. It is the responsibility of each member of the department of Public Safety to know and understand the Use of Force Continuum. The Use of Force Continuum represents escalating and deescalating levels of force and is as follows:
  - a. Verbal Commands; e.g. Clear and deliberate lawful orders given by the officer
  - b. Low-level Force; e.g. Use of restraints/handcuffs; empty hand controls, impact weapon (as escort tool)
  - c. Intermediate Force; e.g. Strikes, impact weapons, chemical agents, Conducted Energy Weapon
  - d. Deadly Physical Force; e.g. Firearms,

3. If circumstances dictate, the officer may bypass lower levels of force and immediately respond with a higher level; it is the responsibility of each officer to be knowledgeable of those requirements.
  - a. The officer must consider all factors before using force and choose a reasonable option based on the totality of circumstances. The movement, escalation/de-escalation, from the application of one force type to another should always be objectively reasonable.
4. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - a. The severity of the crime or circumstance;
  - b. The level and immediacy of threat or resistance posed by the suspect;
  - c. The potential for injury to citizens, officers, and suspects;
  - d. The risk or attempt of the suspect to escape;
  - e. The knowledge, training, and experience of the officer;
  - f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
  - g. Other environmental conditions or exigent circumstances.

#### D. PROHIBITED USES OF FORCE:

1. Force shall not be used by an officer for the following reasons:
  - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - b. To coerce a confession from a subject in custody;
  - c. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
  - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

#### E. DUTY TO INTERVENE:

1. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
2. An officer who observes another officer use force that exceeds the degree of force as described in subdivision III.C.1 of this section should promptly report these observations to a supervisor. Complete a departmental Use of Force Report whenever force is used by an officer and witnessing officers.

#### F. USE OF DEADLY PHYSICAL FORCE:

Members of the Mohawk Valley Community College Department of Public Safety may use deadly physical force only when:

1. As authorized by the provisions of Section 35 of the Penal law, including but not limited to sections 35.30, a Peace Officer may use deadly physical force in order to protect the officer or another person

from what is reasonably believed to be an immediate threat of death or other serious physical injury, or to prevent the escape of a fleeing felon, as stated in section 35.30, whom the officer has reasonable cause to believe will pose a significant threat to human life should the escape occur.

- a. Firearms should not be discharged when it appears that a third party may be injured as a result.
  - b. A Peace Officer shall not draw or exhibit any firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
  - c. Where feasible, some warning should be given prior to the use of deadly physical force.
2. It shall be this Department's policy that a Peace Officer is justified in the discharge of his or her firearm in the following limited circumstances:
- a. The defense of his/her own life; or
  - b. The defense of a fellow officer's life or the life of a third person; or
  - c. To prevent the actual commission of a violent felony, (those stated in Section 35.15, 35.20, and 35.30 of the N.Y.S. Penal Law) where human life is being jeopardized by the subject.
    1. The above mentioned instances relate solely to self-defense of a 3rd person from deadly physical force.
  - d. The destruction of an animal for humanitarian purposes.
3. Firearms may be used against animals:
- a. When they are attacking or presenting an imminent danger to any person; or
  - b. For critically sick or injured wildlife, when authorized by a supervisor.
4. Unauthorized use of a firearm shall be cause for disciplinary action up to and including termination. The reckless or criminally negligent conduct by a Peace Officer in the use of a firearm amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody, will result in that individual officer being personally responsible for justifying his or her action, both criminally and civilly.

#### G. REQUIRED OFFICIAL NOTIFICATION AND WRITTEN REPORTS AFTER THE DISCHARGE OF A FIREARM

1. Each Peace Officer is responsible for the immediate notification to any on-duty supervisor or OIC, or to the Executive Director of Public Safety and Emergency Management of any instance of the voluntary or involuntary discharge of a firearm while the officer is on-duty, regardless of injury.
  - a. The report shall include the full circumstances of the weapon's discharge and all relevant information related to the incident.
  - b. After a firearm is discharged (firing of a weapon) on or off duty, a Department Use of Force Report must be completed immediately by the officer and witnessing officers involved.
  - c. The officer will forward a copy of the report prior to the end of shift to the supervisor for; review, comments, and recommendations.
  - d. After review for accuracy and completeness, the supervisor or OIC on duty at the time of the incident will record comments and recommendations prior to the end of shift and forward same to the Executive Director of Public Safety and Emergency Management.

2. In the event of a discharge of a firearm which involves the physical injury, serious physical injury, or death of a suspect or of any person, the Executive Director of Public Safety and Emergency Management will be notified immediately.
  - a. If that notification is not completed, notification should next be made to the Vice President of Administrative Services, or to the President of the College.
3. Each Peace Officer shall immediately report in person or by telephone (followed by the completion of the Department Use of Force Report) to the Executive Director of Public Safety and Emergency Management the voluntary or involuntary discharge of a firearm, while on or off duty, excluding recreational shooting and firearms training session. The report shall include the full circumstances of the weapon's discharge and all relevant information related to the incident.

#### H. MEDICAL ATTENTION

1. After physical force is used, an officer shall immediately evaluate the need for medical attention or treatment for that subject upon whom the physical force was used.
  - a. An officer will arrange for such treatment when:
    1. That subject has a visible physical injury or serious physical injury; or
    2. That subject complains of a physical injury; or
    3. That subject requests medical attention.
  - b. If medical aid is not provided, heightened observation to detect obvious changes in the subject's physical condition should take place.

#### I. REPORTING AND REVIEWING THE USE OF FORCE:

1. This policy directs members involved in use of force incidents to report to their immediate supervisor any instances of reportable force by an officer.
2. Reportable force is determined by any of the following circumstances being present:
  - a. Use of force that results in a physical injury or a complaint of physical injury from the suspect;
  - b. Use of force that results in serious physical injury;
  - c. Incidents where an officer used any type of hold which applied pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air on a subject;
  - d. Incidents where an officer used the restraints/handcuffs as an appliance to exert force necessary to further control a prisoner or where the suspect physically resists the application of handcuffs;
  - e. Incidents where a chemical agent was displayed, used, or deployed on a subject;
  - f. Incidents where an impact weapon was displayed, used, or deployed on a subject;
  - g. Incidents where a conducted energy weapon was displayed, used, or deployed at a subject;
  - h. Incidents where a firearm was displayed, used, or discharged at or in the direction of another person;
3. Whenever force that was used by any officer(s) qualifies as reportable force, it shall be documented using A Use of Force Report (Attachment A). Members are to complete a departmental Use of Force Report (Attachment A) and notify their supervisor as soon as practicable.

- a. The officer will forward a copy of the report prior to the end of shift to the on-duty supervisor or OIC.
  - b. Witnessing officer(s) should also complete the Use of Force Report and submit it to the on-duty supervisor or OIC.
4. After review for accuracy and completeness of the Use of Force Report, the supervisor or OIC on duty at the time of the incident will record comments and recommendations prior to the end of shift and forward same to the Executive Director of Public Safety and Emergency Management.

J. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS:

1. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
  - a. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
    1. A comprehensive report will be written by both the member who used force, and the most senior officer or supervisor on duty. These reports will be completed by the members before going off-duty.
  - b. Diagrams, photographs, sketches, evidence collection, and other investigative tools and methods will be used to document the scene.
    1. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
    2. When any use of force causes serious physical injury or death, the Police agency of jurisdiction and the District Attorney's office will receive the supervisor's report and conduct an investigation.

## Training

A. USE OF FORCE

1. All officers should receive training and demonstrate their understanding on the proper application of force.
2. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.

B. FIREARMS

1. All Peace Officers are required to successfully qualify with their issued sidearm at least once per year to carry this weapon.

This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

# General Procedures for Reporting a Crime or Emergency on Campus

To report a crime or an emergency on the Utica campus contact the Mohawk Valley Community College Department of Public Safety at (315) 792-5566 or by dialing extension 5777 from any phone within the College system, to include the emergency red phones. On the Rome Campus, you may dial (315) 334-3559 or extension 7270 from any phone on campus. Additionally, calls from on-campus emergency blue-light phones directly access the MVCC DPS. The locations of all emergency blue-light phones are listed on the Mohawk Valley Community College Department of Public Safety webpage, and can also be viewed on page 75 of this manual.

Reports of crime can also be made to any Campus Security Authority. Examples of Campus Security Authorities are but not limited to: The Dean of Students who oversees student housing, a student center of student extracurricular activities; or a Director of Athletics, a team coach or a faculty advisor to a student group; or a Resident Director. If someone has significant responsibility for student and campus activities, he or she is a campus security authority. It is the Campus Security Authority's primary responsibility to report allegations made in good faith, to the Department of Public Safety, which has been designated as the reporting structure of Mohawk Valley Community College.

If you see something suspicious, report it. Information on criminal activity may also be reported anonymously to [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip). In addition, you may report a crime to the following:

Office Name	Office Location	Campus Phone
Coordinator of Health Services	Alumni College Center 104	Ext. 5683
Department of Public Safety	Academic Building 106	Ext. 5566
Associate Dean, Student Development	Payne Hall 115	Ext. 5401
Associate Dean Student and Res Life	Alumni College Center 208A	Ext. 5361
Dean of the Rome Campus	Plumley Complex 127B	Ext. 7701

## Accurate & Prompt Reporting

Community members, students, faculty, staff and guests are encouraged to accurately and promptly report all crimes and public safety related incidents to the Mohawk Valley Community College Department of Public Safety in a timely manner. Both witnesses and bystanders are encouraged to report when a victim is unable to report.

To report a crime or an emergency on campus contact the Mohawk Valley Community College Department of Public Safety at (315) 731-5777 or by dialing extension 5777 from any phone within the College system, to include the emergency red phones on the Utica campus. On the Rome campus you can call (315) 334-3559 or dial extension 7270 from any on-campus phone. Additionally, calls from on-campus emergency blue-light phones directly access the MVCC DPS. The locations of all emergency red and blue-light phones are listed on the Mohawk Valley Community College Department of Public Safety webpage. The locations

of all emergency blue light phones can be viewed in this document.

To report a non-emergency public safety related matter, call the MVCC DPS at extension 5566, or from outside of the College phone system, (315) 792-5566.

Department of Public Safety personnel are available to answer your call 24 hours a day. In response to a call, the Department of Public Safety will take the required action, asking the victim to report to Department of Public Safety to file an incident report, dispatching an officer, or notifying local law enforcement, fire or emergency medical personnel to respond.

Mohawk Valley Community College Campus Public Safety incident reports are forwarded to Campus Administration Personnel. Additionally, any incident reports involving students are forwarded to the Vice President of Student Affairs for review and potential action by the Office of Civic Responsibilities. The Executive Director of Public Safety and Emergency Management will be responsible for all reported incidents that require an investigation. Additional information obtained via investigation will be forwarded to the appropriate college personnel. If an outside law enforcement investigation is required, the Executive Director of Public Safety and Emergency Management will work with the appropriate law enforcement personnel to complete the investigation.

This publication contains information about on-campus and off campus resources. That information is made available to provide MVCC community members with specific information about the resources that are available in the event that they become a victim of a crime. The information about "resources" is not provided to infer that those resources are "reporting entities" for Mohawk Valley Community College.

All crimes should be reported to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the college community, when appropriate. For example, a rape that was reported to the National Sexual Assault Reporting Hotline, would not be included in MVCC statistics.

## Reporting a Crime off Campus

To report a crime that occurs off campus by phone, call 911. If there is a need to report a crime in person:

Utica Police Department  
413 Oriskany Street, West, Utica, NY 13502 or call  
(315) 735-3301.

Rome Police Department  
301 North James Street Rome, NY 13440 or call  
(315) 339-7780

The Department of Public Safety and both the Utica Police Department and Rome Police Department each have a separate, working Memorandum of Understanding, Article 129-A, Subsection 6434 of the Education Law of New York. The Executive Director of Public Safety and Emergency Management attends monthly meetings with state, county and local law enforcement agencies to exchange ideas and discuss problems which may be of concern for the college community.

## Voluntary Confidential/Anonymous Reporting

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, any member of the campus community can file a report on the details of the incident without revealing your identity.

Incidents can also be reported anonymously: [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip).

All information left on the Hawkeye tip line is confidential. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving both students and staff, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

## Limited Voluntary Confidential Reporting

The Mohawk Valley Community College Department of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident. Therefore, the Department of Public Safety records may at times, be considered public records under state law, the Department of Public Safety cannot hold reports of crime in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to Campus Security Authorities (CSA).

Examples of Campus Security Authorities include, but are not limited to: The Dean of Students who oversees student housing or a student center of student extracurricular activities; or a Director of Athletics, a team coach or a faculty advisor to a student group; or a Resident Director. If someone has significant responsibility for student and campus activities, he or she is a Campus Security Authority (CSA).

Confidential reports of crime may also be made online at [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip).

## Confidential Reporting Procedures in Regards to Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered to be Campus Security Authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not to be considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

*Pastoral Counselor Defined:*

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor Defined:*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certificate.



## Criminal Activity off Campus

Mohawk Valley Community College believes in the core values and ethics that are so vital to all local, regional and global communities. Being a member of the Mohawk Valley Community College community requires a commitment to these values including, but not limited to civility, personal accountability, professional and academic ethics, personal integrity, dignity for self and others, fairness, honesty and respect for self and others.

Students, faculty and staff of the MVCC College community shall be familiar with the Code of Conduct. This policy governs the conduct of students in or on College facilities and students' conduct at any College off campus activity, event, trip or study abroad program. This Student Code of Conduct shall also apply to students' conduct on and off the College campuses that adversely affects the College community or poses a safety concern to the College community. The Student Code of Conduct can be found in the Annual Student Handbook prepared by Student Affairs.

## Medical Assistance

- Utica- St. Elizabeth Medical Center, Emergency Room (315) 798-8111
- Utica- Faxton St. Luke's Health Care, Emergency Room (315) 624-6112
- Rome- Rome Memorial Hospital (315) 338-7035
- For ambulatory response call 911 or MVCC Department of Public Safety Utica (315) 792- 5566  
Rome (315) 334-7270

## Counseling and Advocacy Services

- MVCC Counseling Center (315) 792-5326 (Business hours)
- Employee Assistance Program (315) 733-1726 (Employees only)
- Sexual Assault Hotline 1-877-212-2323
- National Sexual Assault Hotline RAINN 1-800-656-4673
- Planned Parenthood Utica (315) 735-7275
- Planned Parenthood Rome (315) 337-8584
- YWCA of the Mohawk Valley (315) 797-7740
- Mobile Crisis Assessment Team (315) 732-6228
- Community Health and Behavioral Services (315) 798-8868
- New York State Crime Victims Board 1-800-247-8035
- New York State Police Campus Sexual Assault Hotline 1-844-845-7269

# College Policies and Programs

## Security Awareness Programs

Periodically during the academic year the Department of Public Safety, in cooperation with other departments, may present prevention programs for sexual assault, crime prevention awareness, and other personal safety oriented presentations.

The Department of Public Safety also provides training to the Residence Life Staff. At the beginning of the fall semester during onboarding, also referred to as new student orientation, the MVCC Department of Public Safety provides a presentation where students are informed of the services offered by the department and how to obtain them.

The presentation outlines ways to maintain personal safety and residence hall securities. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented at New Employee Orientation to all new College employees. Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis.

A common theme is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The Department of Public Safety is regularly available to provide safety and security awareness, crime prevention programs, emergency response training, drug awareness, drinking and driving awareness, and other awareness training requested by students or staff.

Additional security measures include a Security Escort service available to students and staff, emergency blue light phones, emergency, red phones, security considerations in the maintenance of campus facilities, and access control systems in

the residential halls.

When time is of the essence, information is released to the college community through security alerts sent over a public announcement broadcasting system, door-to-door notification, fire alarm systems, digital signage, the College webpage, vehicle-mounted bullhorns, mass media, the college's electronic mail system, NY Alert message, or the Alertus notification system which works similarly to a fire panel annunciator.

The Alertus system broadcasts emergency messaging through nodes known as Beacons. Alertus Beacons have been strategically placed throughout the campus and when a message is sent, the system network allows for the display on the beacon to relay an emergency message.

NY Alert is a mass notification system which enables students, employees and parents to receive emergency notifications and updates through SMS text messaging, emails and/or fax. NY Alert is a free, voluntary service provided by the State of New York to all SUNY campuses. Students and employees can sign up for NY Alert by going to the MVCC homepage, and clicking on the "SIRS" link.

The SIRS link is an internet based student and staff system that will allow you to enter your information into the NY Alert system. The information you enter is held as confidential and will only be used by the State Emergency Management Office (SEMO) to provide you with emergency information should there be an incident. Parents may receive NY Alert messages through student sign up.

If you are a parent and would like to receive the alerts, have your student add your cell phone and/or email information to his/her account.

## Crime Prevention Programs

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. MVCC Department of Public Safety personnel facilitate programs for student, faculty, staff and new employee orientations, and student organizations.

The Department of Public Safety is regularly available to provide safety and security awareness, crime prevention programs, emergency response training, drug awareness, drinking and driving awareness, and other awareness training requested by students or staff.

In an effort to deter crime, MVCC DPS provides an escort service, 24 hours a day. If a student would like an escort on the Utica campus, they can call 5777 from any emergency red phone, use any emergency blue phone, or call (315) 731-5777 to request an escort. On the Rome Campus, call (315) 334-3559 or extension 7270 from any phone on campus for an escort. MVCC has also implemented the HawkEye Tip, which allows for anonymous reporting through the MVCC website.

The Department of Public Safety has developed a poster program which consists of distributing 11" x 17" color posters throughout both Campuses. The posters are designed to continually inform community members of important information. Crime prevention tips are also displayed on the digital TV monitors throughout campus in an effort to compliment the posters.

MVCC Marketing and Communications broadcasts to all MVCC faculty and staff a periodic publication called the "Communitas," and daily email called "MVCC TODAY". Communitas is a publication which focuses on stories of interest for the College community and may incorporate crime prevention tips into its body. Additionally, MVCC TODAY is sent via email daily, informing the campus community of daily campus itineraries and includes a link to the Annual Security Report upon its release.

## Safety & Security Committee

Mohawk Valley Community College's Public Safety Committee is in place to review current security policies and procedures and make recommendations for improvement. This advisory committee is responsible for ensuring that procedures for educational programs on safety, sexual assault and crime prevention are in place and that reporting, referral, counseling and response mechanisms for security and safety are also updated and monitored regularly. The Safety and Security Committee reports to the President through the College Senate, findings and recommendations at least once each academic year, and such report shall be available upon request.

## Security and Access Policy

During business hours, the college (excluding residence halls) will be open to students, faculty, staff and guests. During non-business hours access to all college facilities is by key, if issued, or by admittance via the Department of Public Safety or Residence Life staff. In the case of extended closing, only those with prior approval will be admitted to any college facility.

Residence halls are secured 24 hours a day. All MVCC resident students are issued a student identification card, which also acts as a proximity card for resident students. The card is activated for each individual student so that they are able to access the main entrance of their designated complex. Any student who loans their student identification/proximity card to anyone, will jeopardize their residency.

MVCC Residence Halls contracts with a professional security company to provide access control at all front entrances. This program provides a certified Security Officer at each front entrance between the hours of 8:00 p.m. - 4:00 a.m. every day of the week. This officer will limit access to the Residence Halls only to official residents of that hall, a signed in resident of another hall, or a registered guest of a building resident in possession of a staff issued limited time guest pass.

Over extended breaks, the doors of all residence halls will be secured around the clock. Some campus facilities may have individual hours, which may vary at different times of the year; examples of this are the library or computer labs. Emergencies may necessitate changes or alterations to any posted schedules.

The Executive Director of Public Safety and Emergency Management joined by the Executive Director of Facilities and Operations engages in regularly scheduled "Safe-Walks," which are conducted throughout the entire campus in a continuous effort to identify issues pertaining to security considerations in the maintenance of campus facilities. Input from the Department of Public Safety and other college groups, such as Residence Life, is used to identify issues that arise on a "Safe-Walk". Concerns discovered are further discussed to configure a solution which is implemented to remedy the problem.

Facilities and Operations is also responsible for maintaining lighting throughout campus, to include the parking lots, as well as maintaining the emergency phones, both the Red (interior) and Blue (exterior). Public Safety personnel conduct routine tests and produce reports for lighting and emergency phone deficiencies.

Monthly preventive maintenance is conducted on the emergency generators for each building in the event of a power outage. Using input from "Safe-Walks" and regular Public Safety reporting, the MVCC Grounds Crew ensures that the trees and shrubbery on campus are kept trimmed to prevent anyone from utilizing them as a hiding/ambush location.

## The College Drug and Alcohol Policy

MVCC is committed to an environment which supports the academic success and health of our students. Alcohol abuse or use of illicit drugs may be harmful to the user and may be harmful to the educational environment, an environment that must be conducive to learning.

MVCC is committed to providing an environment where students, employees and guests have the right to study and work in a healthy and safe environment. The Student Code of Conduct specifically prohibits the use of alcohol or illicit drugs. All members of the College community, including visitors to the College, should be familiar with and abide by this policy.

### Applicability of the Policy

All members of the College community, including visitors to the College, should be familiar with and abide by this policy. The procedures for students are outlined below. The procedures for employees, contractors and vendors are outlined in the Employee Handbook. This policy shall also apply to conduct of students, employees, contractors and vendors when representing the College at College sponsored events at off-campus locations including but not limited to campus activities, school sponsored trips, school sponsored study abroad programs and school sponsored social events.

### Related Documents

Mohawk Valley Community College Student Handbook

Mohawk Valley Community College Employee Handbook

New York State Penal Law, Article 220, 221

New York State Alcoholic Beverage Control law, Article 65

### Illegal Drugs

Mohawk Valley Community College will not tolerate the unlawful possession and/or use of controlled substances, illegal drugs, and other products deemed to be illegal by the federal Government and/or the State of New York on its premises. The unlawful manufacture, distribution, possession, or use of a controlled/illegal substance is prohibited in and on property owned or controlled by Mohawk Valley Community College. Drug paraphernalia, [including but not limited to: synthetic drugs, bongs, pipes, filter tubes, etc.] is not permitted either and may, under some circumstances, be considered as evidence of illicit drug use. Such circumstantial evidence may be considered grounds for suspension or dismissal from the College.

The College staff will strictly adhere to and enforce all State Law and College regulations regarding illicit drug use. The College will cooperate with law enforcement agencies in any case involving the possession, use, or sale of illegal drugs on the Mohawk Valley Community College campus. Any known use or possession of such drugs by a Mohawk Valley Community College student will result in and immediate disciplinary action, which may include suspension or expulsion. Being under the influence of drugs shall not excuse the student from legal and/or disciplinary consequences of offensive, disorderly or unlawful conduct.

## Alcoholic Beverages

The possession, sale or furnishing of alcohol on the College campus is governed by the MVCC Alcohol Policy and New York State law. The enforcement of alcohol laws on campus is the primary responsibility of the MVCC Department of Public Safety. The MVCC campus has been designated "drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are enforced by the MVCC DPS. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment.

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal. It is also a violation of the MVCC Alcohol Policy for anyone to consume or possess alcohol in any public or private area of the campus without prior College approval. Organizations, groups, or individuals violating alcohol/substance policies or laws may be subject to sanctions by the College.

### Summary of New York State Laws pertaining to alcohol

*Legal Minimum Purchase Age:* No person shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently, under the age of 21 years. Persons under 21 are not permitted to purchase, possess or consume alcoholic beverages. Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage.

*Selling or Giving Alcohol to an Intoxicated Person:* No person shall sell, deliver, give away, permit or procure to be sold, delivered or given away, any alcoholic beverages to an intoxicated person or any person under the influence of alcohol.

*Using False I.D.s:* Any person under 21 years of age who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be faced with probation for a period of not exceeding one year, and may in addition receive a fine not exceeding \$100.00.

Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours.

Previously, violations of this section were punishable only by the imposition of a one-year probationary period and a fine. Additionally effective, October 19, 1989, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to ninety days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

*Personal Liability:* The New York State legislation has enacted a law which imposes liability for injuries to

third parties upon persons who knowingly cause the intoxication or the impairment of ability of a person under 21 years of age by "unlawfully furnishing" or "unlawfully assisting in procuring" alcoholic beverages for underage persons.

New York State Alcohol Beverage Control law sets twenty-one (21) as the minimum age to purchase or possess any alcoholic beverage. Parts of that law include:

- Persons under 21 found possessing alcohol may be given a maximum fine of \$50.
- Persons convicted for fraudulently using a driver's license to buy or attempt to buy alcohol may have their driver's licenses suspended up to 90 days.
- Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or may be required to work up to 30 hours of community service work.
- Persons convicted of selling, giving or serving alcohol to persons less than 21 years of age face significant fines.

## Procedures

The College prohibits the use, possession, distribution or sale of controlled substances at the College. Further, the College prohibits the use, possession, distribution or sale of alcohol except when authorized by the President. The MVCC Student Code of Conduct broadens this policy in its residence halls to include but not be limited to being in a room where alcohol or drugs are present, possessing paraphernalia, selling or purchasing alcoholic beverages to minors and possession of empty alcohol containers.

There are recommended sanctions for violations of the Alcohol and Drug Policies. If a student is found responsible for violating the alcohol and drug policy through the standard judicial process, the sanctions include the following:

Alcohol First Offense - Alcohol Infraction (there may be additional repercussions from a Residence Hall perspective - refer page to 48 in the Student Handbook for information)

1. Disciplinary Probation - the amount of time is directly related to the individual circumstances
2. Educational component
3. Notification of parent(s) (written) if permitted by law including without limitation to FERPA
4. Specific notification within the first offense communication to the student and the parent(s) regarding the severity of a second violation and its subsequent sanction (dismissal from the College) if the student is found responsible.
5. Additional sanctions if deemed appropriate

Alcohol Second Offense

1. Dismissal
2. Notification of parent(s) (written) if permitted by law including without limitation to FERPA

Illegal Drugs First Offense – All other drugs (there may be additional/different repercussions from a Residence Hall perspective – refer to the Student Handbook for information)

1. Residence Hall dismissal, college dismissal

## Compliance with Sanctions and Timelines

All sanctions will be communicated in writing with clearly established timeline for completion. If the student has not completed the sanction within the timeline and has not received approval by a Conduct Officers for an extension the student will be subject to additional sanctions. Federal, State and Local laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of any illegal narcotic or dangerous drug. These laws carry penalties for violations which range from fines to prison. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold. It is noteworthy that a gift of drugs is treated as a sale under the law.

## Drug Free Schools and Campuses

MVCC clearly states that it seeks to assure the health and wellbeing of all students. The College is committed to prevention efforts and intervention techniques. The College is committed to a standard of conduct that prohibits at a minimum the unlawful possession and use or distribution of alcohol and other drugs by students.

Students should remember that the sale, use or even possession of a narcotic or dangerous drug (including marijuana, LSD, or any “narcotic, drug, depressant, or stimulant drug”) constitutes an illegal act, unless expressly permitted by law. Legal authorities are required by their office to investigate and to prosecute whenever there is evidence of such illegal activity, and the College student is not immune from such investigation and prosecution. The College, therefore, will readily cooperate with law enforcement agencies in the upholding of the law and expects that our students will recognize drug abuse for the problem that it is and avoid its dangers.

If, unfortunately, a student does engage in such illegal activity, it should be understood that he or she faces not only legal prosecution but also the possibility of disciplinary action through the Student Conduct Judicial Procedure. MVCC’s policy is outlined in the College’s Right to Know publication, available upon request and on the College’s website [www.mvcc.edu](http://www.mvcc.edu).

The Mohawk Valley Community College Program to Prevent Alcohol and Drug Abuse: The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226; Final Regulations published on August 16, 1990) required all colleges in the United States to certify to the U.S. Department of Education by October 1, 1990, that they adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. This program must include the annual distribution of the following to each student and employee:

- College Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on the institution’s property or as any part of the institution’s activities;

- A description of the applicable legal sanctions under local, state or federal law for unlawful possession, use of distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug and alcohol counseling, treatment or rehabilitation programs that are available to students and employees; and a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of these standards of conduct.

The law further requires that the College conduct a biennial review of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced.

## Health Risks

Risks associated with substance abuse cannot be easily summarized, but the information that follows should give the reader an appreciation of the severity of these risks.

Substance abuse is usually acute or chronic. An acute problem may result from a single episode of drug/alcohol use such as sudden heart failure, an automobile accident with personal injuries, or misbehaviors with legal ramifications. While under the influence of alcohol or drugs, rational decision making is often altered which may result in many unwanted outcomes. Substance abuse by anyone can cause unwanted and unnecessary acute problems.

Chronic problems result from long-term habits of abuse of alcohol or drugs. It is typical for individuals with chronic problems to hide or deny the existence of a problem. In most cases, an individual's ability to perform any task is diminished which negatively affects one's relationships, ability to work and overall performance in life. Chronic substance abuse creates changes in one's life that are very gradual and many times the negative affects go unnoticed by the abuser and those around him or her. Addiction is a disease that is not easily detected in the early stages.

## Symptoms of Addiction Include:

- Drinking or getting high for relief
- Increased tolerance
- Feeling guilt or remorse (as a result of behavior while under the influence)
- Negative attitude or blaming others for problems
- Anxiety or depression
- Complaints from family/friends about drinking or drug use
- Decline in work performance
- Inability to remember what happened when drinking (blackouts)

## Resources and Information for Students

Mohawk Valley Community College students are welcome to consult with the Health Center in Alumni College Center, Room 104. All information is confidential as set forth by state and federal guidelines. Appointments and consultation with qualified staff can be made available by dialing extension 5683.

### Alcohol Abuse/Alcoholism and Additional Information

(315) 792-5683 – MVCC College HealthCenter

(315) 732-6880 – Alcohol Anonymous Service Center

(315) 733-1709 – Oneida County Council on Alcoholism & Addictions Inc.

(315) 697-3947 – BRIDGES – Madison County

### Good Samaritan Policy

The spirit of the Good Samaritan is that we shall have an ethical responsibility to help people in need. Mohawk Valley Community College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The caller may be required to meet with a Conduct Officer to discuss the incident and participate in educational programs.

### Medical Amnesty Policy

When a student is intoxicated or under the influence of drugs and seeks or has sought on his/her behalf medical assistance, he/she may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, staff will respond and will use standard procedures for documenting information and collecting identification of all persons involved. Judicial charges may be deferred, and may be dismissed upon successful completion of any recommended alcohol and or drug intervention.

Amnesty and Good Samaritan will not extend to other conduct violations associated with the incident, including but not limited to distribution/sale of drugs, acts of violence, or vandalism. Amnesty can only extend to College judicial processes and does not protect students from criminal or civil penalties.

## Anti-Discrimination and Anti-Harassment Policies and Procedures

The Board of trustees of Mohawk Valley Community College has adopted the following policy statements:

Nondiscrimination and affirmative action as related to admissions. Educational programs and activities, and Equal Employment Opportunity.

Mohawk Valley Community College does not condone and will not knowingly permit sexual harassment. The Board of Trustees expects that all judgments about, and actions toward student and employees will be based on their qualifications, abilities and performance. This position is in keeping with the spirit and intent of various federal laws and guidelines which address the issue of fair employment practices, ethical standards, and enforcement procedures. Mohawk Valley Community College strongly subscribes to the philosophy of equality of opportunity for all persons regardless of race, creed, color, sex, religion, criminal record, or veteran status, with respect to admissions, educational programs, employment and campus life.

*Definition of Discrimination* - Discrimination occurs whenever a person is denied equality of opportunity because of race, creed, color, sex, religion, national origin, ancestry, age, disability, marital status, sexual orientation, criminal record or veteran status.

*Definition of Sexual Harassment* - Sexual Harassment is a form of discrimination, which destroys the working and learning environment for employees, guests and students and prevents the development of trust. Sexual harassment is unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, academic pursuit; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions effecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive learning environment; or
4. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions; or
5. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment.

This procedure is provided for the investigation complaints alleging any unlawful discrimination in the programs, policies, or practices of Mohawk Valley Community College or affiliated agencies. This procedure may not be used for complaints involving matters over which the college has no control, such as Civil Service rules and regulations. The procedure may be used by any person (student, employee, or visitor) who receives College programs and services.

This procedure is intended to comply with and serves as the grievance procedure required under regulations implementing title IX of the Education Amendments (prohibiting discrimination based on sex):

Section 504 of the Rehabilitation Act of 1973 and title II of the Civil Rights Act (prohibiting discrimination based on race or national origin). This procedure also provides a mechanism for the internal investigation of all claims of discrimination or harassment under any applicable statute of college policy, including title VII of the Civil Rights Act of 1964, the Veterans Re-employment Act and the Americans with Disabilities Act. The College's Affirmative Action Officer is the Director of Human Resources. The College's Section 504 Coordinator and ADA Coordinator is the Coordinator for Disabilities Service.

MVCC acknowledges and provides assurance to compliance with The Civil Rights Act of 1964 as signed into law July 2, 1964 by President Lyndon Johnson.

Pursuant to H.R. 7152 of the 88th Congress of the United States of America and U.S.C. §2000D, MVCC maintains compliance with Title VI Nondiscrimination in Federally Assisted Programs. Title VI §601: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Under the FMCSA Title VI Program, additional related non-discrimination authorities prohibit discrimination based upon sex, age, disability, income-level, and limited English proficiency (LEP).

MVCC further extends this commitment and does not discriminate on the basis of religion, creed, sex, age, disability, gender identity, sexual orientation, pregnancy, predisposing genetic characteristics, domestic violence victim status, marital status, military status, criminal conviction or retaliation for opposing unlawful discrimination practices. MVCC is committed in policy, principle, and practice to maintain an environment which is free of intolerance, illegal or discriminatory behavior towards any person. This commitment is consistent with federal and state laws and College policy. In addition, MVCC is committed to complying with 49 Code of Federal Regulations (CFR) Part 21 and 49 CFR Part 303 as well as the related Nondiscrimination authorities identified in the FMCSA Title VI Program Assurance, which has been signed by the MVCC President.

### Sexual Harassment Policy:

Mohawk Valley Community College does not condone and will not knowingly permit sexual harassment. Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY. SUNY has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal right to a

workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the College's Discrimination and Sexual Harassment Complaint Procedure.

### Sexual Harassment Procedure:

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

#### Contact Information for the Title IX Coordinator:

Name: Stephanie Reynolds, LMSW  
Title: Vice President for Student Affairs  
Office Address: PH 347  
Email Address: sreynolds@mvcc.edu  
Telephone Number: (315) 792-5456

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

Title IX and VAWA reports (Title IX: sexual harassment, sexual violence, sexual discrimination & VAWA: domestic/dating violence and stalking) may also be made to the Department of Public Safety or Deputy Coordinator Dennis Gibbons, Dean of Student Life.

Whether you report to the Title IX Coordinator or the Department of Public Safety, the meeting following your report will be with the Title IX Coordinator to understand the nature of the complaint and to provide an overview of the options that are available so that the reporter may make an informed decision about how she/he would like to proceed. This meeting also occurs individually with the Respondent.

Reports of harassment and discrimination (not Title IX or VAWA as outlined in the first bullet) are to be made to either the Executive Director of Human Resources for cases involving employees or to the Vice President for Students Affairs, for cases involving students, and the case will be assigned to the appropriate investigator. Either may disqualify her or himself from serving, in which case another member of the staff will be appointed as an alternate.

This is a College Title IX investigation, not a legal investigation. A respondent does have the right not to speak to the Title IX Investigator regarding the incident, however, failure to do so may have a negative impact as the Investigator will be unable to take the Respondent's perspective into account in the rendering of an outcome.

Retaliation for filing a report or for answering questions during the investigation of a report will not be

tolerated and will result in appropriate disciplinary action. The College will make every possible attempt to insure confidentiality and to limit access to information about the report to those with a need to know. All reports will be investigated, and appropriate action will be taken if an individual has violated these policies.

All timetables in these procedures are intended as guidelines. Reports will be investigated and resolved expeditiously, but since each case is different, each will require its own unique timetable.

Extensions may be granted for up to 5 business days upon request by one party and communicated to both if approved by the Title IX Investigator. In extenuating circumstances, law enforcement may specifically request and justify a longer delay.

The Investigator to whom the report is referred will listen to the report as soon as possible. The Investigator will discuss report procedures, the report itself, informal remedies such as mediation and formal investigations as appropriate for the individual case. Serious allegations may be investigated even if the report is verbal and the Reporter does not wish to have the case initiated. The Reporter and the Respondent may have an advisor of their choice. Such advisor shall not ask questions, speak on the individual's behalf or otherwise participate in the investigation beyond providing advice/support to the individual. The exception to this is during an actual hearing, where the advisors for both parties will take on the role of cross-examiner.

If during the initial investigative meeting, the student admits to the substantive fact(s), appropriate sanctions can be levied at the meeting. The finding may be appealed within five business days of the meeting.

**Formal Resolution:** The timeframe for the Title IX Grievance process begins with the filing of a Formal Complaint. This is a required process for all complaints if the complaint is to proceed. The filing of a Formal Complaint is also a required pre-requisite before opting into an Informal Resolution. The Title IX Coordinator will make every effort to conclude the Grievance Process in a reasonably prompt manner, after the filing of the Formal Complaint, provided, however, that the Grievance Process may be extend 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.

A written report shall be provided by the Reporter to the Title IX Coordinator or the Department of Public Safety. The report shall indicate the nature of the violation, name(s) of people involved, an explanation of what took place, why the Reporter believes the event was a violation, and shall be signed by the Reporter. The Title IX Coordinator shall assign an Investigator and a Recorder who will conduct the initial investigation of the Reporter. The Investigator and Recorder will also conduct the initial investigation of the Respondent. A formal investigation involves interviews of the Reporter and Respondent and potentially any relevant witnesses. As with the informal investigation, both parties are permitted to have an advisor present. The advisors do not speak for either party during the investigation. They may provide support. If the case progresses to an actual hearing, the advisors in that scenario will not speak for either party. They will, however, take on the role of cross-examiner, asking the other party relevant questions regarding the case.

**Informal Resolution:** This is an optional process. If the Reporter chooses an informal resolution, the

investigator will meet with the Respondent to attempt to work out an informal resolution acceptable to both parties. The Respondent will be provided with information describing the procedures (online version of the Student Handbook, #Office of Human Resources#), an oral statement of the report, and may have an advisor present. If a solution is reached, the Investigator will recommend to the Title IX Coordinator that the solution be adopted. The case will be considered resolved if the recommended solution is accepted by the Title IX Coordinator. The approved solutions to the informal resolution will then be communicated to both parties in writing and documented accordingly. Individual meetings to communicate the solutions are not necessary in informal cases. Appeals are not permitted with an informal process. Records of the process will be retained in accordance with College policy and procedure.

If the Respondent is an employee and is found responsible, the College will address any findings in accordance with College policy and procedures as well as the applicable collective bargaining agreement, if any.

The Title IX Coordinator shall review the recommendation within three (3) business days of receipt of the report and respond to the Investigator. The Title IX Coordinator will either:

- a) Agree with the recommendation;
- b) Request more information of the Investigator;
- c) Modify the recommendation or
- d) Dismiss the recommendation.

The Investigator will communicate with the Reporter and Respondent separately to relay the decision within three (3) business days following the response of the Title IX Coordinator. Individual meetings may be scheduled but are at the discretion of the Investigator.

The Respondent and Reporter may file a written request for appeal with the Investigator within five (5) business days following the meeting in which the written decision was received. The Investigator will provide the appeal request to the Title IX Coordinator who will determine if one or more of the following criteria has been met in order for the appeal to be considered. The Title IX Coordinator is not determining the validity of the appeal. He or she is determining whether the request meets the criteria:

- a) A procedural irregularity existed that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, has been discovered; or
- c) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

## Hate Crimes Policy

Members of the Mohawk Valley Community College community have the right not to be discriminated

against for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, or sexual orientation. It is the policy of Mohawk Valley Community College to ensure that all bias or hate related incidents are investigated thoroughly in a sensitive manner that provides support for, and minimizes the trauma experienced by the victim. Students, faculty, and staff shall be notified of Department of Public Safety policies and procedures as well as penalties for violating laws, rules, and regulations. This notification process shall be accomplished annually through the use of brochures, mailings, websites and links to websites, and student and employee handbooks and orientations.

*Definition of Hate Crime* - A hate crime can be generally defined as a crime, which in whole or part, is motivated by the offender's bias toward the victim's status. The offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, ethnicity, national origin, ancestry, gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct (Section 485.05 of the New York State Penal Law).

Hate Crimes Act of 2000 - A person commits a hate crime when he or she commits a specified offense and either: (Section 485.05 of the New York State Penal Law).

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail and instant messaging), physical assaults, vandalism, destruction of property, and fire bombings. A complete listing may be found in article 485.00 of the New York State Penal Law.

### Hate Crime Response:

As soon as any member of the campus becomes aware of a hate crime the Department of Public Safety should be contacted immediately. If the victim requires medical attention, Department of Public Safety and emergency medical services may be called.

### Hate Crime Procedure:

The initial complaint of a hate crime may be made to the Department of Public Safety, Student Affairs, Faculty, or any other member of the campus community or to the Utica Police Department or Rome Police Department. Complaints may also be made by using the Mohawk Valley Community College Hawkeye tip if the person wishes to remain anonymous. The Department of Public Safety shall immediately respond and interview the victim and any witnesses. The responding officer should:

1. Determine if the victim requires medical attention and arrange for such attention. Aid and comfort the

victim.

2. Contact a staff person from the Counseling Center. If the victim does not wish to speak to a counselor, suggest contacting someone that the person knows for emotional support.
3. Interview the victim and any witnesses to determine:
  - a) If a hate crime actually occurred.
  - b) The identification of the guilty person at the scene or in immediate flight, and the initial crime scene processing and recording of all relevant evidence and information.
4. Make notifications to the appropriate college officials.
5. Prepare all necessary reports and documents to assist the Student Affairs in the judicial process or the police in the criminal prosecution.
6. Once it has been determined that the incident is a hate crime, the Department of Public Safety must be notified, whether or not the victim requests prosecution.
7. If it is determined that the case will be turned over to the police for prosecution, the Executive Director of Public Safety and Emergency Management or his designee will coordinate any police investigation with the Chief of Police or investigating officer of the police agency taking control of the investigation.
8. Investigations by the College as well as the police are possible and may be concurrent. Violators are subject to penalties resulting from both investigations.

The Office of Student Affairs will act to facilitate any judicial proceedings resulting from any hate crime in which the suspect is a student. The College will do everything possible to ensure a safe living environment for all involved persons. Although the victim may not wish to proceed with formal judicial or criminal proceedings, the College reserves the right to protect members of the campus community.

## Rights of Victims and the Accused

### Victim's Rights:

1. To protection from intimidation and harassment on campus after the alleged incident.
2. To be provided with information pertaining to criminal and campus judicial processes and to choose whether or not to pursue either
3. To due process within any criminal or campus judicial proceedings.
4. To withdraw from legal or campus judicial proceedings at any time.
5. To receive counseling.
6. To be treated with dignity and compassion by all institutional personnel dealing with victims of violence.
7. To privacy.
8. To be accompanied by a faculty or administrative advisor of one's own choosing who can provide support and assistance throughout every phase of the process.

## Rights of the Accused:

1. To be considered innocent until an admission of guilt or proof of responsibility by a preponderance of the evidence presented in a formal judicial hearing or criminal trial.
2. To a fair and objective investigation.
3. To hear and respond to testimony of complainant and witnesses.
4. To present witnesses on his/her behalf as outlined in the formal judicial procedures.
5. To be advised by a member of the Mohawk Valley Community College community during formal judicial procedures and to have a Mohawk Valley Community College faculty or administrative advisor to assist throughout both the investigative and procedural stages.

## False Charges

Mohawk Valley Community College reserves the right to take action against any individual who has willfully provided a statement/report that is found to be false. The steps that may be taken are outlined under the Student Code of Conduct or within the Employee Handbook.

## College Internal Penalties

Student Violators: Due to their serious nature, all Hate Crimes are referred to Student Affairs for college judicial review.

Employee Violators: Due to the serious nature of Hate Crimes, employees found to have committed such violations will immediately be forwarded to Executive Director Human Resources for immediate actions.

## Criminal Penalties

Persons convicted of Hate Crimes in New York State (listed in section 485.05 of the New York State Penal Law) are subject to sentencing according to Article 70 of the New York State Penal law.

Details of all Hate Crimes shall be considered confidential. Any personal information obtained during the investigation or adjudication of the matter will be subject to disclosure only to the extent required by law.

## Resources

MVCC DPS Utica Emergency..... (315) 731-5777  
MVCC DPS Rome Emergency..... (315) 334-3559  
MVCC Counseling Center Utica..... (315) 792 5326  
MVCC Counseling Center Rome... (315) 334-7709

MVCC Student Affairs..... (315) 792-5456  
MVCC Health Center..... (315) 792-5452  
MVCC Residence Life..... (315) 792-5361  
Utica Police Department..... (315) 735-3301  
Rome Police Department..... (315) 339-7780

# Sexual Violence Prevention & Response Policy

## Sexual Assault, Domestic Violence, Dating Violence & Stalking Policies

*Definition of Affirmative Consent* - Affirmative consent is a knowing, and 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 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.

- 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.

When consent is withdrawn or can no longer be given, sexual activity must stop.

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

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

The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to 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 College officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## Campus Climate Assessment Policy

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-

2016 academic year, each State University of New York State-operated and community college conducted a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey addressed at least the following student and employee knowledge about:

1. The Title IX Coordinator's role;
2. Campus policies and procedures addressing sexual assault;
3. How and where to report sexual violence as a reporter or witness;
4. The availability of resources on and off campus, such as counseling, health, academic assistance;
5. The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
6. Bystander attitudes and behavior;
7. Whether reporters reported to the College Public Safety, local police, and reasons why they did or did not report.
8. The general awareness of the difference, if any, between the institution's policies and the penal law; and
9. The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2015-2016 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

## Students' Bill of Rights

The State University of New York and Mohawk Valley Community College are committed to providing options, support and assistance to the reporter of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in the College's campus programs, activities, and employment. All reporters of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction,

have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

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

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

- Receive resources, such as counseling and medical attention; Make a report to:
- An employee with the authority to address complaints, including the Title IX Coordinator:
  - Vice President for Student Affairs and Dean of Students, Payne Hall, Room 347, (315) 792-5456
- MVCC Department of Public Safety;
  - Utica Campus, Academic Building Room 106, (315) 792-5566 or by dialing '5777' from any on campus phone or emergency red phone.
  - Rome Campus, Plumley Complex Room 118, 315-334-3559
- Local law enforcement
  - Utica Police Department, 413 Oriskany St W, Utica, NY (315) 735-3301
  - Rome Police Department, 301 N James St #1, Rome, NY (315) 339-7780

- Family Court or Civil Court
  - Utica - 411 Oriskany Street, Utica, NY (315) 266-4600
  - Rome - 100 West Court Street, Rome, NY (315) 337-6440

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

## Sexual Violence Response Policy

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

### Reporting

1. To disclose confidentially the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services:
  - a. Counseling Office, Utica Campus, Student Services Center, (315) 792-5326
  - b. Counseling Office, Rome Campus, Plumley Complex A30, (315) 334-7709
2. To disclose confidentially the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
  - a. For local assistance contact the YWCA Mohawk Valley Domestic and Sexual Violence 24 Hour Hotline (315) 797-7740.
  - b. NYSCASA: <http://nyscasa.org/responding>;
  - c. RAINN: <https://www.rainn.org/get-help>.
  - d. Safe Horizons: <http://www.safehorizon.org/>.

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

### Privacy versus Confidentiality:

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

disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

To disclose the incident to one of the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal just process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- An employee with the authority to address complaints, including the Title IX Coordinator:
  - Vice President for Student Affairs and Dean of Students, Payne Hall, Room 347, (315) 792-5456
- MVCC Department of Public Safety;
  - Utica Campus, Academic Building Room 106, (315) 792-5566 or by dialing '5777' from any on campus phone or emergency red phone.
  - Rome Campus, Plumley Complex Room 119, 315-334-3559
- Local law enforcement
  - Utica Police Department, 413 Oriskany St W, Utica, NY (315) 735-3301
  - Rome Police Department, 301 N James St #1, Rome, NY (315) 339-7780
- Family Court or Civil Court
  - Utica – 411 Oriskany Street, Utica, NY (315) 266-4600
  - Rome - 100 West Court Street, Rome, NY (315) 337-6440

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports identity shall remain private at all times if said reporting individual wishes to maintain privacy.

- Vice President for Student Affairs and Dean of Students, Payne Hall, Room 347, (315) 792-5456

When the accused is an employee, a reporting individual may also report the incident to the Title IX Coordinator. Disciplinary proceedings, as required after an investigation, will be conducted in accordance with Human Resources and the applicable collective bargaining agreements.

When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

You may withdraw your complaint or involvement from the College's process at any time. College representatives shall provide reporting individual with the following: "You have the right to make a report to the Department of Public Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

### Protection and Accommodations:

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

The campus will promptly review existing no contact orders at a party's request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.

1. To have assistance from the Department of Public Safety or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
2. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
3. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
4. To have assistance from the Department of Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of the Department of Public Safety or, if outside of the jurisdiction or the Department of Public Safety does not have arresting powers to call on and assist local law enforcement in effecting an arrest for violating such an order.
5. When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.
6. The campus will promptly review existing interim suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.
7. When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in

accordance with applicable collective bargaining agreements, employee handbooks, and college policies and rules.

8. When the accused is not a member of the college community, to have assistance from the Department of Public Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and College policy.
9. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.

Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the Title IX Coordinator can serve as a point to assist with these measures:

- Title IX Coordinator - Vice President for Student Affairs, Payne Hall, Room 347, (315) 792-5324
- Deputy Coordinator – Dean of Student Life, Alumni College Center, Room 208A, (315) 792-5394

The campus will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.

#### Other Resources:

1. To obtain effective intervention services.
  - Counseling
    - Counseling Office, Utica Campus, Student Services Center, Payne Hall, 1<sup>st</sup> Floor (315) 792-5326
    - Counseling Office, Rome Campus, Plumley Complex A30, (315) 334-7709
  - Student Health Center:
    - Utica Campus, Alumni College Center, Room 104, (315) 792-5452
    - Rome Campus, Student Services, Plumley Building, Room A30, (315) 334-7709

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available [provide contact information for one or multiple on or off-campus locations where students can obtain tests for STIs and describe whether such testing is free or at a cost].

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

The New York State Office of Victim Services may be able to assist in compensating reporters for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov/sites/default/files/brochure/rights-crime-victims-booklet-final-8-24-20.pdf> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>.

To best preserve evidence, reporters should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

## Options for Confidential Disclosures

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

### In this Policy

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

## Privileged and Confidential Resources

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At the College, this includes:

- Counseling Office, Utica Campus, Student Services Center, Payne Hall, 1<sup>st</sup> Floor (315) 792-5326
- Counseling Office, Rome Campus, Plumley Complex A30, (315) 334-7709

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on

confidentiality may be obtained directly from the agency.

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
- For local assistance contact the YWCA Mohawk Valley Domestic and Sexual Violence 24 Hour Hotline (315) 797-7740.
- Off-campus healthcare providers
- Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating reporters for health care and counseling services, including emergency compensation.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### Privacy versus Confidentiality

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

### Requesting Confidentiality: How the College Will Weigh the Request and Respond

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

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several College offices, the Title IX Coordinator and/or assigned investigator may serve as a primary point of contact to assist with these measures. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the College's failure to act does not adequately mitigate the risk of harm to you or other members of the College community. Honoring your request may

limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

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

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

If the College determines that an investigation must move forward, the reporting individual or reporters will be notified and the College will take immediate action as necessary to protect and assist them.

### Public Awareness/Advocacy Events

If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation. The College may use the information you provide to inform the need for additional education and prevention efforts.

### *Institutional Crime Reporting – Clery Act and Family Educational Rights and Privacy Act (FERPA)*

Reports of certain crimes occurring in certain geographic locations will be included in the College’s Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or reporters.

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

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

## Student Onboarding and Ongoing Education Guide

The State University of New York and Mohawk Valley Community College believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. MVCC will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year and transfer students will, during the course of their onboarding to the college will have access to training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The College prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any reporters of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, Public Safety Department, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on reporters and their friends and family, and its long-term impact.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
  - How to report sexual violence and other crimes confidentially, and/or to College officials, public safety, and local law enforcement.
  - How to obtain services and support.
  - Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
  - The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
  - Risk assessment and reduction including, but not limited to, steps that potential reporters and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at the College at different times and at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY campus will also share information on sexual violence prevention with parents of enrolling students.

MVCC students shall be offered general and specialized training in sexual violence prevention. The College will conduct a campaign, compliant with the requirements of the Violence Against Women Act (VAWA), to educate the student population. The College will provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Specific training will be provided to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, MVCC required that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students included, but were not limited to:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to reporters of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and
- Outreach and partnering with local business those attract students to advertise and educate about these policies.

Each SUNY campus was mandated to report back to the Chancellor on or before March 31, 2015 on their plan to comply with this policy. Each institution must engage in a regular assessment of their programming and policies to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.

## Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses

MVCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the students who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, MVCC will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### Reporting aggregate data to NYSED

The NYS Education Department will create a reporting mechanism for campuses to annually submit the following information:

- a) How many domestic violence, dating violence, stalking, and sexual assault incidents were reported to the Title IX Coordinator this year?
- b) From those incidents in paragraph (a), how many reporting individuals wanted to use the student conduct process for adjudication?
- c) How many of these cases were actually processed through the student conduct process?
- d) How many of the respondents in these cases were found responsible?
- e) How many of the respondents in these cases in paragraph (c) were found not responsible?
- f) What sanctions were imposed for each instance where a respondent was found responsible?
- g) How many cases closed before adjudication or before finding because the accused/respondent withdrew from the institution?
- h) How many cases closed before adjudication or before finding because the reporting individual withdrew the complaint?

### Reporting Procedure

Reports shall be filed with:

- An employee with the authority to address complaints, including the Title IX Coordinator:
  - Vice President for Student Affairs and Dean of Students, Payne Hall, Room 347, (315) 792-5456
- MVCC Department of Public Safety;
  - Utica Campus, Academic Building Room 106, (315) 792-5566 or by dialing '5777' from any on campus phone or emergency red phone.
  - Rome Campus, Plumley Complex Room 118, 315-334-3559

The Title IX Coordinator will assign an investigator.

Reports will be investigated and the results will be reported back to parties within thirty (30) calendar days. Retaliation for reporting a complaint will not be tolerated.

## Sex Offender Registration Policy

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 at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (in New York, it is the Division of Criminal Justice Services) to notify Mohawk Valley Community College regarding sex offenders who have indicated that they are either enrolled, employed or residing at MVCC.

The Mohawk Valley Community College Department of Public Safety maintains a list of Notices from the Department of Criminal Justice Services pertaining to sex offenders who have indicated that they are either enrolled, employed or residing at MVCC. The College is required to inform the campus community that a list of all registered sex offenders in New York State is available from the New York State Division of Criminal Justice Services. Information can be obtained by calling DCJS at 1-800-262-3257 or <http://criminaljustice.state.ny.us/> MVCC is located in Oneida County, Utica Campus located in the city of Utica, and the zip code is 13501, the Rome Campus is located in the city of Rome, and the zip code is 13440.

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.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000 and New York State Corrections Law 6-C.

## Student Conduct Process

To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the College's Title IX/VAWA Conduct Process as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

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

1. 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 Title IX/VAWA Conduct Process;
2. The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
3. 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.

4. The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
5. 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 ten (10) days except when law enforcement specifically requests and justifies a longer delay.
6. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
7. The right to present evidence and testimony at a hearing, where appropriate.
8. In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, the campus will allow parties to review available evidence held by the campus in accordance with College policy. Parties can also present available evidence as appropriate under campus policies.
9. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
10. The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
11. 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.
12. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
13. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
14. The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
15. Access to one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
16. 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.
17. The right to choose whether to disclose or discuss the outcome of a conduct hearing.
18. 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.

Campuses must make a notation on the transcripts of students found responsible for crimes of violence. This is in line with the 2004 memo from Chancellor King saying the same thing. The notations are for suspension, expulsion, or withdrawal with charges pending.

## Missing Student Notification

Any member of the college community who believes a student may be missing, should file a report with the Department of Public Safety. It is the policy of Mohawk Valley Community College and the Mohawk Valley Community College Department of Public Safety to immediately accept and investigate reports of missing, lost or abducted students and children as defined by the New York State Executive Law 837, without delay and to promptly transmit all pertinent information to the President's Office, Student Services, Utica Police Department as necessary and to the Division of Criminal Justice Services, when required.

Reports of missing students made to Student Services or Residence Life shall be turned over to Mohawk Valley Community College Department of Public Safety. The Department of Public Safety shall take the lead in all missing student cases until such time as the case is turned over to the Utica Police Department or Rome Police Department, by the Executive Director of Public Safety and Emergency Management or the On-Call Administrator. All reports of missing children from any location on campus will immediately be turned over to the Utica Police Department or Rome Police Department for the respective campuses.

Any student living in an on-campus housing facility may register a confidential contact person to be notified in the case that the student is determined to be missing. If a student has identified such an individual, the MVCC DPS, Student Services staff or local law enforcement officials will notify that individual no later than 24 hours after the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Students are encouraged to register a confidential contact when they complete The Mohawk Valley Community College Housing Application. In those cases where a student is reported missing and the student has not registered a contact person, the police will be notified of the incident.

After investigating a missing person report, should the Department of Public Safety determine that the student has been missing for 24 hours, the DPS will notify the Utica Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. The custodial parent or guardian of any student that is less than 18 years old and is not emancipated will be notified within 24 hours after the student has been confirmed as missing.

## Missing Student Initial Investigations

1. The Public Safety Department will immediately accept and investigate reports of missing students and children. There shall be no required waiting period for a report to be accepted.
2. When assigned an investigation of missing students/children the Department of Public Safety officer will immediately notify the Utica Police Department in compliance with the Memorandum of Agreement established between Mohawk Valley Community College and the Utica Police Department.

In addition the Executive Director of Public Safety and Emergency Management or his designee will be notified. Upon receiving a complaint of a missing student the officer shall:

- a) Respond to the scene without delay
  - b) Verify that the student is, in fact, missing
  - c) Notify the Duty Residence Director so that the family of the missing student may be notified
  - d) Interview the person who made the report and last had contact with the missing student
  - e) Identify the circumstances of the disappearance
  - f) Based on the available information, make an initial determination of the type of incident
  - g) Obtain a detailed description of the missing student and any vehicles the student may have access to.
  - h) Provide known details to other officers on duty and the Duty RD
  - i) Request additional personnel if circumstances require
  - j) If there is an identifiable location, including the person's residence hall room that could possibly be classified as a crime scene, or at least a site where the contents should not be disturbed the officer shall secure the location to preserve possible items of evidence. The area shall remain secured until such time as the Director of Public Safety or the police release it.
  - k) Obtain a recent photograph of the missing student whenever possible
  - l) Obtain any records of recent usage of the missing student's access card and check any CCTV cameras that may have relevant information.
  - m) Complete a NYS Division of Criminal Justice Services Missing Child/College Student Report and Missing College Student Investigative Checklist. This report will be turned over to the police upon transference of the case and a copy will remain on file with Public Safety.
3. When conducting interviews of the person making the report, officers should attempt to determine;
- a) Who last saw the subject
  - b) Where the subject was last seen
  - c) When the subject was noticed to be missing
  - d) The name of the subject's friends as well as their addresses and phone numbers
  - e) If there are any unusual circumstances surrounding the disappearance
  - f) If the subject was talking about running away or committing suicide
  - g) Places the subject frequented
  - h) If there were any family problems affecting the subject
  - i) If the subject uses drugs or alcohol
  - j) If the subject recently experienced any problems at work, school or home

- k) When and where each person interviewed last saw the subject
  - l) The name and addresses of anyone last seen with the subject
  - m) If the subject has a history of mental illness, serious medical conditions or other disabilities
  - n) If the subject has recently demonstrated any abnormal behavior
  - o) If the subject had any recent contact with the College Health Office in an attempt to discover recent indicators of a medical or mental condition
4. Officers shall immediately notify Utica Police Department, the Executive Director of Public Safety and Emergency Management, and the Vice President of Student Services when a student is critically missing. Critically missing students would require immediate action and the mobilization of all available resources, when the missing student:
    - a) May have been abducted
    - b) May be suicidal
    - c) May be mentally incompetent
    - d) Is absent under circumstances inconsistent with the students patterns of behavior and the deviation cannot be readily explained.
  5. The Executive Director of Public Safety and Emergency Management or his designee shall provide the Communications Office with details of the investigation for possible media coverage.
  6. Keeping in mind the family's emotional needs and the necessity for uniformity of information to them, the Student Services office shall take the lead as family liaison. Unless otherwise directed initial notification to the family of missing students and all future contact with them will be the responsibility of Student Services.

### Large Scale Search Operations

1. Police and fire units will be responsible for any large scale, missing person searches. Department of Public Safety officers will assist as necessary. Any assistance with off-campus searches must be authorized by the Executive Director of Public Safety and Emergency Management.
2. The Department of Public Safety office shall be deemed as a temporary Command Center for any search until changed by the Executive Director of Public Safety and Emergency Management or the public agencies involved. For larger searches, another room may be used due to the availability of additional phone lines.

### Missing Student Follow-up Investigations

1. Officers shall attempt to conduct a follow-up during each shift. When conducting follow-ups, officers should;
  - a) Check the department records for prior contacts involving the missing student or contacts that have occurred since the student's disappearance
  - b) Check the student's classes or place of on-campus employment regarding their attendance

2. Department of Public Safety officers shall assist the involved police agencies as necessary until the student is found
3. Technical assistance regarding runaway and missing persons cases is available through the National Center for Missing and Exploited Children at 1-800-THE- LOST and the National Runaway Switchboard at 1-800-621-4000
4. Whenever a missing student is located or returns, Department of Public Safety officers shall make personal contact with the student to confirm their whereabouts and well-being.

## Complaint & Adjudication Options

- Criminal charges through the appropriate agency (Please note: an Order of Protection may be obtained through the criminal court system once formal criminal charges have been filed through a law enforcement agency)
  - MVCC Department of Public Safety Utica (315) 792-5566/Rome (315) 334-7270
  - Utica Police Department (315) 735-3301
  - Rome Police Department (315) 339-7780
- Campus Judicial Affairs: Office of Civic Responsibilities, Chief Conduct Officer Brittany Dielemans (315) 731-5792
- Title IX Complaint (Sexual assault/violence/harassment/discrimination)  
Title IX Coordinator: Stephanie Reynolds (315) 792-5324

## Safety Services

- On-campus escort service, MVCC Department of Public Safety Utica (315) 792-5566/ Rome (315) 334-7270
- Residential Accommodations: Safe housing (guest room), MVCC Department of Residence Life (315) 792-5361
- Academic Accommodations: Relocation of a course/classroom, MVCC Office of Civic Responsibilities, Chief Conduct Officer Brittany Dielemans (315) 731-5792

If more than one (1) incident was reported to you during the year, you must fill out a form for each reported incident.

**CAMPUS SECURITY AUTHORITY (CSA) CONTACT INFORMATION**

All information in these boxes should be of the CSA completing this form

Your Full Name:	
Your Phone Number:	Your e-mail Address:
The Department you work for:	
Incident Reported By: <input type="checkbox"/> The Victim <input type="checkbox"/> A Third Party	If a third party reported the crime to you, please enter the relationship of the third party to the victim:
If, to your knowledge, a law enforcement agency was notified, please enter the name of that agency:	
Does the victim want the incident reported to law enforcement? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

**INCIDENT INFORMATION**

Geography (Location) Definitions *(Please use the attached definitions of location to classify the incident)*

On Campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified above of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendors)

Non Campus - 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 used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.



Incident Category *(Please use the attached definitions of offenses to classify the incident)*

- Murder/Non-Negligent Manslaughter - the willful (non-negligent) killing of one human being by another.
- Manslaughter by Negligence - the killing of another person through gross negligence.
- Aggravated Assault - Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or through means likely to produce death or serious bodily harm.
- Robbery - 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.
- Burglary - Unlawful entry of a structure to commit a felony or a theft.
- Motor Vehicle Theft - The theft of attempted theft of a motor vehicle.
- Arson - Willful or malicious burning or attempt to burn a structure, vehicle, or personal property of another.
- Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victims, 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.
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship
  - the type of the relationship
  - the frequency of interaction between the persons involved in the relationship
- Domestic Violence - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction... 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.

- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.
- Liquor Law Violation - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.
- Drug Law Violation - 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.
- Weapon Law Violation - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

- Hate or Bias Related - A hate or bias related crime is not a separate, distinct crime, but is the commission of any of the preceding offenses which was motivated by the offender's bias.
  - Race
  - Religion
  - Gender
  - Gender Identity
  - Ethnicity
  - Sexual Orientation
  - National Origin
  - Disability

Additional Hate or Bias Related Crimes - Additional crimes against a person or property that is determined to be motivated by the offender's bias are also required to be reported. These specific offenses are only reportable when a hate or bias related motivator is present.

- Additional Hate or Bias Related Crimes

  - Larceny - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
  - Vandalism - To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
  - 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.
  - 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.

Please review the information within the form. Attach additional sheets as necessary. If you have questions regarding anything on this form please address them to the Department of Public Safety.

When completed, submit the form to:  
 Department of Public Safety  
 Academic Building room 106  
 Attn: Chief David J. Amico  
 damico@mvcc.edu  
 (315)792-5318

# Emergency Response

Incidents/crises can happen anywhere, at any time, and often occur when they are least expected. When a crisis does occur, events usually unfold rapidly, leaving little time for planning. The key to success is to obtain the information, confirm its accuracy, disseminate the information as quickly as possible and prepare to address the situation as it unfolds. That is why advance preparation is essential, both in responding to an incident and communicating to the campus community and external constituents.

Most incidents on campus begin with a report of an incident to the Department of Public Safety. An officer or officers are assigned and respond to the scene. Upon confirming that an emergency exist the officer will notify the Director of Public Safety or his designee.

The Director of Public Safety or his designee will proceed in accordance with the college's Emergency Operation Plan. Upon confirming the existence of a significant emergency or dangerous situation Mohawk Valley Community College will take into account the safety of the community and will immediately notify the campus community, unless the notification will compromise efforts to assist any victims or to contain, respond to, or otherwise mitigate the emergency.

A confirmed report from another emergency responding agency (such as fire department, ambulance, hazardous materials response team, local law enforcement agency, FBI, County Public Health, etc.) shall also warrant the execution of an emergency response notification as it pertains to the MVCC campus.

Localized incidents within a building (such as a small fire or chemical spill in a lab) probably will not require a mass notification.

Examples of activations may include:

- When a person is actively shooting a weapon and is on the loose
- When a major hazardous material spill is impacting a portion of the campus
- When a tornado warning is issued for the county
- Police tactical response to a suspected armed person

The MVCC Emergency Operations Plan (EOP), includes information about incident teams, College operating status parameters, incident priorities and performance expectations; shelter in place and evacuation guidelines; and local contingency and continuity planning requirements. College Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts emergency response exercises each year, such as table top exercise, tests of the emergency notification systems on campus, conducts monthly Crisis Management meetings, other emergency drills and practice sessions.

DPS officers and supervisors are trained in Incident Command. Should a serious incident occur which creates an immediate threat to the campus, the first responders will be DPS officers. Depending on the nature of the incident other agencies may respond to include Utica Police Department, Utica Fire Department, EMS, or other state and/or federal agencies.

General information about the Emergency Operations Plan and evacuation procedures for MVCC are publicized each year as part of the institution's Clery Act compliance efforts and that information is available also on the MVCC Department of Public Safety website.

All members of the MVCC Community are notified on an annual basis that they are required to notify the MVCC Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. MVCC DPS has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the MVCC DPS has a responsibility to respond to such incidents, assess the incident and determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation on.

## Emergency Notification Procedures

If the Executive Director of Public Safety and Emergency Management, or his/her designee, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the MVCC community, the Office of Marketing and Communications has been charged by the President with managing all communications outreach and information dissemination during a crisis.

The Office of Marketing and Communications will determine the content of the message and will use some or all of the systems described below to communicate the threat to the MVCC Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Office of Marketing and Communications 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 judgement of the First Responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## Immediate Response

- I. Assess situation and level of impact
- II. President, Incident Commander and/or Director of Communications will determine if an official statement should be prepared and released to campus. The statement will be reviewed and approved for dissemination when possible. Completed templates should be referred to when available/applicable.
- III. The Director of Marketing and Communications or his designee in concert with President and Incident Commander (if time permits) will determine the most effective and efficient method of communications to on-campus and off-campus constituencies. This shall include the determination of the appropriate segment or segments of the campus community to receive a notification.

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action.

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

- E-Mail - Director of Marketing and Communications or his designee will send e-mail out to ALL STUDENTS, ALL STAFF, ALL FACULTY, ALL ADMINISTRATION, using College Outlook mail system. Office of the President staff will forward message to ALL TRUSTEES upon direction of the President
- PA System - If an incident requires immediate communication via the PA system, a message will be provided to the campus by the President or his designee.
- Bullhorns - If it is necessary to communicate via bullhorns (power outage, building evacuation, lockdown, mass gathering crowd control or direction), a message will be provided by the President or his designee.
- Hand-Delivery of Messages - If deemed the most effective and safe means of communicating, hand-delivered messages will be drafted by the Director of Communications or his designee and disseminated accordingly.
- Office of Communications - will update information on an alert Director of Marketing and Communications will consider updating home page of College Web site under News & Events
- Two-way radios - Two-way radios will be used for ongoing communications between Public Safety, Physical Plant (including Housekeeping), and the Resident Director on Duty. The Incident Commander will be issued a two-way radio at the time of the incident, which will allow him/her to communicate with Campus Safety and Physical Plant personnel.
- NY Alert (MVCC Emergency Alert) - An instant, mass notification system which enables students, employees and parents to receive emergency notifications and updates through SMS text messaging, emails and/or fax. NY Alert is a free, voluntary services provided by the State of New York to all SUNY campuses. Students and employees can sign up for NY Alert by going to the MVCC homepage, and clicking on the "SIRS" link.

The SIRS link is an internet based student and staff system that will allow you to enter your information into the NY Alert system. The information you enter is held as confidential and will only be used by the State Office of Emergency Management to provide you with emergency information should there be an incident. Parents may receive NY Alert messages though student sign up. If you are a parent and would like to receive the alerts, have your student add your cell phone and/or email information to his/her account.

- College Televisions - The Director of Marketing and Communications or designee will provide for updated messages to be published via MVCC's on-campus flat-panel information kiosks.

- Website - The MVCC homepage will include all of the information regarding an emergency situation that would be included via e-mail
- Determine if other constituents need to be communicated with and how.

With the aforementioned array of communication systems, in the event of a campus emergency it is likely that several of the methods shall be employed to ensure the maximum number of people are notified in the quickest manner.

## Training and Exercises

The President of Mohawk Valley Community College or his/her designee will appoint an Executive Director of Public Safety and Emergency Management. A responsibility of the Executive Director of Public Safety and Emergency Management will be the designing and implementation of tests, training, and exercise protocols as they regard to emergency and disaster management. The tests, training, and exercise protocols will incorporate Incident Command Systems, National Incident Management System, and the Homeland Security Exercise and Evaluation Program (HSEEP).

Training will consist of two forms of exercises:

1. Discussion based exercises. These exercises will consist of:
  - a) *Seminars* - Seminars generally orient participants to, or provide an overview of authorities, strategies, plans, policies, procedures, protocols, resources, concepts, or ideas.
  - b) *Workshops* - workshops will have a higher level of participant interaction than a seminar and focusing on achieving or building a product. An effective workshop will entail the broadest attendance by relevant stakeholders.
  - c) *Tabletop Exercise (TTX)* - TTXs are intended to generate discussions of various issues regarding a hypothetical, simulated emergency. TTXs can be used to enhance general awareness, validate plans and procedures, rehearse concepts, and/or assess the types of systems needed to guide the prevention of, protection from, mitigation of, response to, and recovery from a defined incident. A TTX may range from basic to complex.
  - d) *Games* - games are a simulation of operations that involves two or more teams and may be designed to depict an actual or hypothetical situation.
2. Operations based exercises. Operations based exercises will consist of:
  - a) *Drills* - a drill is a coordinated, supervised activity usually employed to validate a specific function or capability in a single agency or organization. For every drill, clearly defined plans, procedures, and protocols need to be in place. Personnel need to be familiar with those plans and trained in the process and procedures to be drilled.
  - b) *Functional exercises* - a functional exercise (FE) is designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. FEs are conducted in a realistic, real time environment; however, movement of personnel and equipment is usually

simulated.

- c) *Full-scale exercises* - full-scale exercises (FSE) are typically the most complex and resource-intensive type exercise. They involve multiple agencies, organization, and jurisdictions and validate many facets of preparedness. FSEs often include many players or operating under cooperative systems such as Incident Command System or Unified Command System. FSEs are usually conducted in real time, stressful environment that is intended to mirror a real incident.

These exercises can be used to validate plans, policies, agreements, and procedures; clarify roles and responsibilities; and identify resource gaps. Operations-based exercises are characterized by actual reaction to an exercise scenario, such as initiating communications or mobilizing personnel and resources.

1. Mohawk Valley Community College will complete at least one training exercise per year. The exercise may be either a Discussion Based exercise such as a Tabletop Exercise or an Operations-Based Exercise such as a Functional Exercise.
2. Exercises will be planned by an Exercise Planning Team. The Team members will design, host and facilitate the exercise, however, they should not participate as “players” in the exercise. The Team may be only personnel of Mohawk Valley Community College or may be a mix of MVCC personnel and personnel from other colleges, police departments, emergency managers, fire departments, private businesses and so forth. Those on the Exercise Planning Team should never disclose to the players any information about the exercise.
3. The exercise should include clear objectives, timelines, organizational structure, and outcomes. All exercises must include a predetermined date for a review of the exercise to determine what worked, what failed, and what needs improvement.
4. Whereas a training exercise is a “hands on” event, training may also occur without the hands on exercise. Various forms of training may occur on an “as needed” basis or as part of a departmental training session or multiple college wide training sessions.
5. All training and exercises will be documented. The documentation will include:
  - a) The date, time allocation, and location of the training/exercise.
  - b) Who attended the training/exercise.
  - c) Who designed the training/exercise (individual, Exercise Planning Team, a private corporation, a government entity, etc.)
  - d) A copy of all material utilized in the training/exercise.
  - e) A Training Log will be maintained.

# Evacuation Procedures

Evacuation of buildings is kept to a minimum so as not to disrupt activities or have complacency set in. When the fire alarm is initiated and an evacuation is in progress, elevators are not to be used and are kept for use by Department of Public Safety personnel only.

## Procedure

- 1) Upon initiation of the fire alarm, the building should be evacuated of all people as quickly as possible. All faculty, staff and students shall take all their personal items with them. In the event the audible fire alarm does not activate, Department of Public Safety personnel with the assistance of Facilities and Operations personnel, will conduct a systematic search of the entire building to inform occupants to evacuate. Upon completion of the room-by-room search, Public Safety and Facilities & Operations persons will position themselves at the building doors to prevent anyone from re-entering.
- 2) The faculty are to review evacuation procedures during the first week of classes. Faculty and staff are to ensure the complete evacuation of their areas of responsibility. Turn off lights and close the door behind you. Escort any students with mobility impairments to the closest "Area of Refuge" or "Area of Rescue Assistance" and wait until Department of Public Safety personnel or Facilities and Operations personnel arrive.
- 3) All persons will move in an orderly manner, to a safe distance of not less than 50 feet from the building and out of roadways.
- 4) Any persons (college students or employees) with special needs should be attended to as quickly and safely as possible (see evacuation of mobility impaired below).
- 5) Under no conditions will evacuees be allowed back into a building until the building has been inspected and found safe for re-entry. Only Department of Public Safety personnel and Emergency personnel can give an "all clear" signal.

MVCC IS NOT RESPONSIBLE FOR ITEMS LEFT IN THE BUILDING

# Emergency Evacuation Guidelines for individuals with Disabilities

MVCC is committed to providing equal access to safe egress for any visitor or member of the community including additional assistance if required, to effectively alert, evacuate, and/or shelter them during an emergency. To be successful in providing this assistance, the Emergency Evacuation Procedures require the cooperation of every member of the College community. Some members of the community are specially trained to identify and assist persons who may need aid in an emergency.

Any individual requiring assistance is encouraged to develop a Personal Emergency Plan (PEP) and update his/her self-identification information semi-annually, no later than September 30 and February 30 of each calendar year, or whenever circumstances warrant an update (e.g., changes in his/her condition that would require a change in assistance).

During the first class of each semester, faculty should announce the locations of fire exits and Areas of Rescue /Safe Wait Areas serving that classroom and/or lab. They will also review the requirement to leave the facility and follow instructions of safety personnel whenever an alarm sounds. They will also remind students to assist people with disabilities, and to let Public Safety personnel know of the location of anyone who cannot leave the building independently.

A part of every faculty and staff orientation package includes an introduction to the College's Emergency Evacuation Procedures, and an opportunity to initiate a Personal Emergency Plan (PEP).

At all MVCC on-campus events, including Cultural Series and DGV events, the 'housekeeping announcement' proceeding each occasion includes identification of the exits and Areas of Rescue available in case of emergency.

Residence Hall personnel introduce new students to the College's Emergency Evacuation Procedures, and have information on where to go on campus to prepare a Personal Emergency Plan (PEP). If students live in the residence halls, the residence hall evacuation plan is discussed as part of student orientation

People with disabilities will often need assistance to evacuate.

- DO NOT use elevators, unless authorized to do so by police or fire personnel. Elevators could fail during a fire or other events.
- Check on people with mobility, hearing, emotional, or visual disabilities during an evacuation.
- Attempt a rescue evacuation ONLY if you have had rescue training or the person is in immediate danger and cannot wait for professional assistance.
- The individual with the disability is the best expert in his or her disability, so ask that individual for advice before lifting or moving that person.
- Take extra time when communicating with people who are deaf, hearing impaired, or speech impaired.

- Never separate a disabled person from his or her assistive aids: wheelchairs, canes, hearing aids, medications, special diet food, urinary supplies, etc.
- A disabled person's equipment may not be working after a disaster occurs, or it may be insufficient for emergency circumstances.
- A service animal, usually a dog, is an assistive aid used by some blind, deaf and mobility impaired people. A disaster may temporarily confuse service animals and they may not be able to help their owners as effectively as before the disaster.
- Some individuals with emotional and learning disabilities may be too unsettled to respond appropriately to instructions and directions, such as a public address announcement to evacuate a building. Some individuals with disabilities may need to be in a quiet place for a while to regain their composure.
- Some individuals with significant emotional or learning disabilities might not understand the significance of "Keep Out" signs and barricade tape.

## Specific Disability Guidelines for Responses to Emergencies

Blindness or Visual Impairment: Give verbal instructions to advise about safest route or direction using compass directions, estimated distances, and directional terms.

DO NOT grasp a visually impaired person's arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd.

Give other verbal instructions or information (i.e. elevators cannot be used).

Deafness or Hearing Loss: Get the attention of a person with a hearing disability by touch and eye contact. Clearly state the problem. Gestures and pointing are helpful, but be prepared to write a brief statement if the person does not seem to understand.

Offer visual instructions to recommend the safest route or direction by pointing toward exits.

Mobility Impairment: It may be necessary to help clear the exit route of debris (if possible) so that the person with a disability can move out or to a safer area.

If people with mobility impairments cannot exit, they should move to a safer area, e.g. most upper floors have a Designated Waiting Area (Area of RESCUE/Safe Waiting Area) to wait for assistance from first responders.

If you do not know the designated waiting areas in your building, areas of rescue locations are going to be described online (soon) or you may call the campus public safety office at 792-5566. PUBLIC SAFETY EMERGENCY NUMBER 5 7 7 7 dialed by a campus phone will access the public safety department between Utica and Rome campuses by dialing the four digit extension number.

Public Safety, police or fire personnel decide whether people are safe where they are, and will evacuate

them as necessary. The Fire Department may determine that it is safe to override the rule against using elevators.

If people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using an evacuation chair or a carry technique. In an emergency, notify police or fire personnel immediately about any people remaining in the building and their locations.

### Evacuating individuals with a wheelchair:

Always ASK people with disabilities how you can help BEFORE attempting any rescue technique or giving assistance. Ask how they can best be assisted or moved, and if there are any special considerations or items that need to come with them. Discuss with the user of the wheelchair how to lift the user and the wheelchair either together or separately. When circumstances necessitate separating the user and the wheelchair, keep the period of separation to a minimum.

Some parts of a wheelchair are safe to lift from, others may separate when lifted. Always ask the user to confirm where it is safe to lift from. Also, ask the user what else about his or her wheelchair you should know in order to lift it safely.

Wheelchairs with four wheels (not three-wheeled scooters) usually have handbrakes on each side of the chair. When the wheelchair is to remain stationary, set both brakes.

When more than one flight of stairs is traversed, helpers may need to switch positions since one person may be doing most of the lifting. Switch positions only on a level landing.

When the lifting is complete, follow the instructions of the chair's user and restore the manual or motorized wheelchair to full operation; then direct the user to a safe area.

Evacuating a person with a disability or injury yourself is the last resort. Consider your options and the risks of injuring yourself and others in an evacuation attempt. Do not make an emergency situation worse. Evacuation is difficult and uncomfortable for both the rescuers and people being assisted. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. Remember that environmental conditions (smoke, debris, loss of electricity) will complicate evacuation efforts.

Proper lifting techniques (e.g. bending the knees, keeping the back straight, holding the person close before lifting, and using leg muscles to lift) should be used to avoid injury to rescuer's backs. Ask permission of the evacuee if an evacuation chair or similar device is being considered as an aid in an evacuation. When using such devices, make sure the person is secured properly. Be careful on stairs and rest at landings if necessary.

### Power Outages:

If an outage occurs during the day and people with disabilities choose to wait in the building for electricity to be restored, they can move near a window where there is natural light and access to a working telephone. Building Coordinators should be notified so they can advise emergency personnel.

If people would like to leave and an evacuation has been ordered, or if the outage occurs at night, call the Utica Campus Department of Public Safety at 315-731-5777 or 5777 or on the Rome campus at 315-334-3559 or 7270 from a campus telephone to request evacuation assistance.

## Summary

- Remind all people to leave the facility.
- Close doors when rooms are cleared.
- Identify the location(s) of people who need assistance evacuating.
- Report the location(s) of people who need assistance evacuating.

Everyone needs to take responsibility for preparing for emergencies. People with disabilities should consider what they would do and whether they need to take additional steps to prepare. If someone with a disability or medical condition has not prepared a Person Emergency Plan, please ask them to meet with a member of the disability office. This Personal Emergency Plan (PEP) will be available to the MVCC Health center and Public Safety departments and used confidentially only in need of an Emergency situation.

For more information:

Public Safety:

Chief David Amico, Executive Director of Public Safety and Emergency Management  
Department of Public Safety  
Academic Building room 106D, UTICA CAMPUS  
Email Address: [damico@mvcc.edu](mailto:damico@mvcc.edu) 315-792-5566

Disability Services:

Tamara Mariotti, Coordinator of Disability Services 504/ADA Coordinator  
Office of Accessibility Resources  
Wilcox Hall room 129E, UTICA CAMPUS  
Email Address: [tmariotti@mvcc.edu](mailto:tmariotti@mvcc.edu) 315-792-5644

Environmental Health and Safety:

George Aylesworth, Environmental Health & Safety Specialist  
Department of Public Safety  
Academic Building room 106G, UTICA CAMPUS  
Email Address: [gaylesworth@mvcc.edu](mailto:gaylesworth@mvcc.edu) 315-792-5566

Human Resources:

Crystal Marceau, Director of Human Resources  
Human Resources  
Academic Building room 113, UTICA CAMPUS  
Email Address: [cmarceau@mvcc.edu](mailto:cmarceau@mvcc.edu) 315-792-5637

## Personal Emergency Plans (PEPs) for Persons with Disabilities

Although the process of developing a Personal Emergency Plan (PEP) is optional for students and staff, the College encourages proactive planning on the part of the entire college community for emergency conditions. Individuals with disabilities may require additional assistance with alerting, evacuating, and sheltering in the event of an emergency.

The College offers the opportunity, through a confidential process, to develop a PEP that could include such strategies as storing extra equipment or medications, providing DPS with your class and personal schedule, specific evacuation procedures, sheltering procedures, volunteer rescue assistants, using an optional Personal GPS Locator, and designating means of communication in the event of an emergency.

Although not required, faculty, staff, and students are encouraged to identify their concerns about evacuation in case of an emergency, and to develop a PEP that is effective for them.

All employees, including faculty, other academic personnel and staff should contact the following to develop a Personal Emergency Plan (PEP):

Human Resources Office  
Crystal Marceau, Executive Director of Human Resources  
AB 113, UTICA CAMPUS  
Email Address: [cmarceau@mvcc.edu](mailto:cmarceau@mvcc.edu)  
315-792-5637

All students should contact the following to develop a Personal Emergency Plan (PEP): the Personal Emergency Plan (PEP) Form to:

Disability Services Office  
Tamara, Mariotti,, Coordinator of Access Resource, Student Accessibility and Wellness  
WH 129A, UTICA CAMPUS  
Email Address: [tmariotti@mvcc.edu](mailto:tmariotti@mvcc.edu)  
315-731-5702

Additional training information specifically about how to assist persons with disabilities in an emergency is available at the Disability Service Offices on the Utica and Rome campuses.

In addition to submitting a Personal Emergency Plan (PEP), any employee or student needing assistance is encouraged to share information with several reliable people in their classes, residence hall or work area about his/her need for assistance during an emergency. It is useful to name your volunteer rescue assistants in your Personal Emergency Plan (PEP) so that others can more easily contact them in an emergency.

Relevant information that you should consider sharing:

- Your schedule.
- Additional assistance you may require during an emergency.
- Emergency contact numbers.
- Where you keep your emergency supplies and how to operate your assistive devices, if applicable.
- The size and weight of your assistive devices, in addition to whether or not they are collapsible, in case they have to be transported

# Testing the Emergency Operation Plan and Evacuation Procedures

Evacuation drills are coordinated by the Dean of Students, Residence Life staff, and the Dorm Corporation Supervisor of Residence Hall Facilities each semester for all residential facilities on campus. Emergency response and evacuation procedures are tested at least four times a year, twice each semester. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation.

The residents are not told in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of various designated emergency gather locations on campus, and other factors such as the location and nature of the threat. In both cases, DPS officers and resident life staff are on scene and will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At MVCC, evacuation drills are used as a way to educate and train occupants on issues specific of their building. During the drill, occupants 'practice,' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the College an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the MVCC DPS, Residence Life staff and Dorm Corporation staff to evaluate egress and behavioral patterns. If necessary, reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately.

Recommendations for improvements are also submitted to the appropriate departments/office for consideration.

Students receive information about evacuation and shelter-in-place procedures during first floor meeting held the day they arrive on campus and during other educational sessions that they can participate in throughout the year. Residence Life staff members are trained in these procedures as well as act as an on-going resource for the students living in residential facilities.

MVCC conducts numerous announced and unannounced drills and exercise each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Dorm Corporation Supervisor of Residence Hall Facilities coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate emergency evacuation plans and capabilities.

MVCC in conjunction with the Dorm Corporation, will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

# Shelter-in-Place Procedure

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substance, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter in place,” means to make a shelter of the building that you are in, rather than evacuate the area.

## Basic Shelter in Place Guidance:

If an incident occurs and the building you are in is not damaged, stay inside-seeking an interior room-until you are told it is safe to come out. If your building is damaged, follow the evacuation procedures for your building (close your door, proceed to the nearest exit, use stairs instead of elevators). Once you have evacuated, seek shelter at the nearest MVCC building quickly. If police or fire personnel are on the scene, follow their directions.

## How Will You Know to Shelter-in-Place

A shelter-in-place notification may come from several sources, including the MVCC DPS officers, Residence Life staff members, and other College employees, the federal or county government, Utica Police Department, Rome Police Department, Fire Department personnel or other authorities utilizing MVCC’s emergency communications tools.

## How to Shelter-in-Place

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. If you are outdoors, proceed to the closest building quickly or follow instructions from emergency personnel on scene
- Locate a room to shelter inside. It should be an interior room, above ground, without windows or the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Do not open doors for anyone unless their identification has been verified
- Stay away from doors, windows and outside walls
- At no time should anyone leave until the situation has been resolved. This will allow for MVCC DPS, law enforcement, and other responding emergency personnel to address the building or campus emergency or threat and reduce the risk of contact with any innocent bystanders in the immediate area

Examples of events that may warrant sheltering in place:

1. Man Made Event (active shooter, bomb threats)
2. Natural Event (straight line wind, tornado)
3. Other Events (hostile intruder, violent person)
4. Hazardous Incident (biological, chemical, radiological)

# Emergency Blue Phones Rome Campus:



## Security Alerts/Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Executive Director of Public Safety and Emergency Management, or in the judgement of the Vice President of Administrative Services, or in the judgement of the Vice President of Student Affairs, in consultation with the President, constitutes an ongoing or continuing threat to the College community a campus-wide "Security Alert" will be issued to serve as a timely warning and to aid in the prevention of similar crimes.

Information is released to the college community through timely warnings posted prominently throughout campus and emailed to all student, faculty and staff. Victim's names will never be disclosed in the alerts or to the media.

Depending on the particular circumstances of an emergency, especially in all situations that could pose an immediate threat to the college community and individuals, the Department of Public Safety will also activate the college emergency notification system. In such instances, a notice will be posted on the college web site and a copy of the notice will be posted in each residence hall, the student center, outside the dining hall, student life offices and the mail room.

Anyone with information warranting a security alert or timely warning should report the circumstances to the Department of Public Safety office by phone (315) 731-5777 or in person in the Academic Building room 106 on the Utica Campus, or by reporting to the DPS in the Plumley Complex room 119 or by calling (315) 334-3559 on the Rome Campus.

## Other Communication Methods

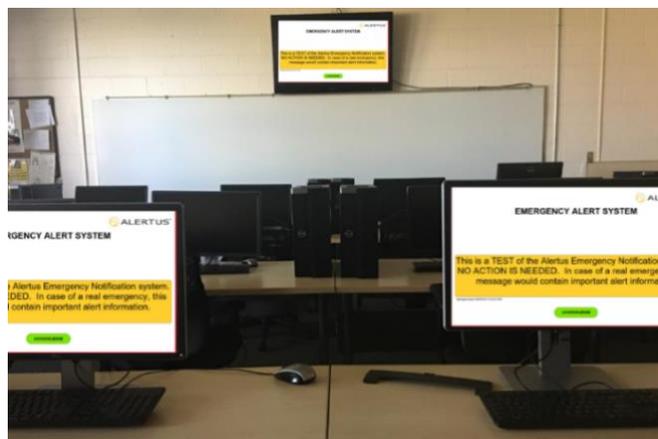
In addition to the MVCC Emergency Alert system and crime alerts, the DPS may employ a variety of

communication methods to inform building occupants or a larger portion of campus about imminent safety threats. Communication methods will be employed based on a number of factors that will be evaluated for each incident, such as the nature and extent of the threat, the technology available in that building or area, the time of day, etc.

Other communication methods may include the use of the a public announcement broadcasting system, door-to-door notification, fire alarm systems, digital signage, the College webpage, bullhorns, mass media, NY Alert (MVCC Emergency Alert) message and the Alertus system.



The Alertus mass notification system works similarly to an audible and visual alarm. Alertus beacons are located in high population areas around the Campus.



The Alertus Desktop notification system also grabs the attention of computer users immediately by pushing a full-screen pop-up alert on the college computer being used.