

Campus Security and Crime Prevention Policy

OBJECTIVE: This report is intended to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act and to provide a safe and secure environment conducive to learning and growth. This report is made available to current and incoming students and staff.

RESPONSIBILITY: Director of Administrations and Assistant Dean of Administrative Operations

PROCEDURES:

Elyon College attempts to provide students and employees with a safe and secure environment in which to study and work. Elyon College (the school) is open during posted hours of operation, which are stated in the school catalog. School facilities are locked during times the school is not open. Elyon College has no residence halls or student housing.

Elyon College maintains a campus security and crime prevention policy that conforms to the best practices possible. To be successful, these programs must embody the proper attitudes towards personal safety and crime prevention, on the part of both students and staff. It also requires cooperation in all safety and security related matters between student and teacher, teacher and administrator, and also between each student and his/her fellow students. Only through such a cooperative effort can a campus security and crime prevention program be established and preserved for the entire campus community.

The following campus safety measures are in place:

- Facility has a public address system in place
- Locking front door with video intercom secured access
- Security cameras recording 24/7
- Staff are trained in adult CPR
- Facility has an alarm system in place
- Locking doors to office & back staff areas
- Locking doors to freight entrance and stairwell
- Fire extinguishers as per NYS fire code
- Means of egress and exit signs posted as per NYC fire code
- Incident reports are in place to assure timely and appropriate care is provided for any injuries
- Emergency numbers are posted by telephones throughout the building
- Policies and procedures for safety and security for real threatened or impending danger

As part of student orientation, Elyon College also provides a description of school policies and procedures as well as outside resources available for students to inform them about campus security and crime prevention. These policies were developed considering the fact that Elyon College is relatively a small college with a modestly size facility.

Security Policies and Crime Reporting Procedures

It is the policy of Elyon College that students and employees shall report any and all safety hazards, crimes, loss of property, significant illness, or injury to a school director/administrator. Proper reporting facilitates the

apprehension of criminals and assists in making the entire campus safe. All school directors/administrators are mandated to investigate incidents and to coordinate with local law enforcement agencies to apprehend those who violate these regulations or commit crimes on campus. When necessary, Elyon College will press charges against criminal violators.

Elyon College’s Director of Administration, Malky Gut, maintains a crime log in the school administrative offices. The crime log records criminal incidents and alleged criminal incidents that are reported to the Campus Security Authorities. To view the log, please stop by her office, contact her by phone 718-259-5600 or by email mgut@elyon.edu.

In terms of reporting crimes, Elyon College utilizes a log that is maintained by Elyon College’s Campus Security Authority (CSA). All crime reporting is kept in a lock protected, secure file. Records include, but are not limited to, copies of crime reports; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from local authorities; correspondence with the Dept of Ed regarding Clery Act compliance and the Violence Against Women Act (VAWA); and copies of notices to students and employees about the availability of the annual security report. All documentation is dated and easily accessible.

Please refer to the following table regarding Elyon College’s crime reporting procedures and emergency notification and evacuation procedures:

Policy or Procedure	Response Time Frame
<p>Emergency notification and evacuation procedures for alerting the campus community about significant confirmed emergencies or dangerous situations involving an immediate threat, significant emergency or dangerous situation involving a threat to the health or safety of students or employees. These policies and procedures are disclosed in Elyon College’s annual security report as applicable.</p>	<p>Elyon College will use emergency notification procedures whenever there is an <i>immediate threat</i> to the health or safety of students or employees on campus.</p> <p>Public address system and warnings by administrative personnel.</p>
<p>Issue timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety. These policies and procedures are disclosed in Elyon College’s annual security report.</p>	<p>Elyon College will issue a warning whenever there is a threat that a crime is ongoing or may be repeated.</p>
<p>Collect crime reports from campus security authorities within the institution.</p>	<p>Elyon College will identify local school authorities (CSA’s) at the beginning of the calendar year who will collect crime reports on an ongoing basis. Otherwise, the responsible CSA will be the director of administration.</p>

<p>Request crime statistics from local law enforcement in Elyon College's local jurisdiction</p>	<p>Elyon College will make a request annually with the NYPD's 62nd Precinct</p>
<p>Publish an annual security report containing campus security policy disclosures and crime statistics for the previous three years.</p>	<p>Elyon College will publish and distribute their report or provide a notice of its availability annually by Oct. 1.</p>

Campus Security Authority

Elyon College does not employ campus peace officers or contractual security officers. As such, school employees do not have powers of arrest and will call 911 in the event of a crime or other situation that warrants police intervention. Because Elyon College does not have a campus police department or security office, it does not keep a daily crime log.

Campus Security Authority (CSA) officials are defined as school official(s) who have significant responsibility for student and campus activities, including, but not limited to student discipline and campus judicial proceedings or who has the authority and the duty to take action or respond to particular issues on behalf of the institution. At Elyon College, the Campus Security Authority officials are:

- (I) Malky Gut- Director of Administrations
- (II) Esther Kahn- Assistant Dean of Administrative Operations

In some circumstances, school departments, local, state or federal agencies may notify Campus Security officials of a possible emergency and may provide guidance to be used in verifying whether a significant emergency or dangerous situation exists. For example the Board of Health may determine if there is an outbreak of a serious illness. Elyon College may contact or be contacted by external law enforcement agencies, emergency management agencies, public health agencies or other agencies with expertise in the type of situation affecting the campus. These agencies or departments may provide assistance and guidance in confirming the presence of an emergency or dangerous situation. Any school department that becomes aware of an emergency or dangerous situation shall report immediately to the School Directors.

Upon learning that an emergency or dangerous situation may exist, Campus Security will confirm whether an emergency or dangerous situation involving an immediate threat to the health and/or welfare of students or employees exists and if the emergency is confirmed will begin the process of issuing an emergency notification.

Campus Security is responsible for determining the content of an emergency notification; the content of which is based on the circumstances and the manner in which the situation is impacting the campus. A message may simply contain information about an area of the school to avoid or may have specific action recommendations or information about the nature of the incident itself.

A decision will be made on the system to be used to transmit emergency notifications. These systems may include:

- E-mail
- Text messaging
- Alarm system

- Public address system

Campus Evacuation:

To protect the campus population from the effects of emergencies protective action recommendations or evacuation instructions may be issued. In the event of such an emergency, it is important to follow evacuation instructions disseminated through the communication system used to inform of the emergency.

At other times, the campus may be ordered to “lock down”. This means that if an incident occurs and the buildings or areas around campus become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose the student to danger. The students are asked to stay in the same building until it is safe to go outside.

The function of the campus security authorities are to collect and report allegations of Clery Act crimes that they conclude were made in good faith. CSA’s are not responsible for determining authoritatively whether a crime took place and do not have the authority to apprehend any alleged perpetrator of a crime.

Policies for Preparing the Annual Disclosure of Crime Statistics

Elyon College’s yearly crime statistics are compiled on a calendar year basis and in accordance with the definitions of crime provided by the FBI for use in the Uniform Crime Reporting (UCR) systems. For sex offenses only, Elyon College uses definitions from the FBI’s National Incident-Based Reporting System (NIBRS) edition of the UCR. Hate crimes are classified according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

On an annual basis, Elyon College will gather these statistics and report crimes that occurred on campus and on public property within, or immediately adjacent to and accessible from, the Elyon College campus. Elyon College prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Nothing in the law shall be construed to permit Elyon College to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the Clery Act.

To facilitate this, Elyon College has developed a relationship with Police Departments’ Dept. of Community Affairs/Public Affairs division of the 62nd Precinct (Police Officer Nicholas Morin). Additionally, Elyon College is able to access the Police Departments’ crime statistics page at http://www.nyc.gov/html/nypd/html/crime_prevention/crime_statistics.shtml.

Personal Safety and Crime Prevention Tips

While Elyon College attempts to provide a safe and secure environment, students, faculty, staff and visitors are ultimately responsible for their own safety. As Elyon College becomes aware of relevant programs that address responsible practices and procedures that enhance personal safety, this information will added to this policy or kept on file in Elyon College administrative offices. If requested, such information may be obtained from a school director/administrator. As well, information about Personal Safety and Crime Prevention Tips will be made available out at new student orientations.

Please see the following safety and crime prevention tips:

1. Reduce or eliminate opportunities that may make you a target.
2. Increase awareness in places you are most comfortable.
3. Trust your instincts regardless of feeling embarrassed.
4. Prepare your schedule daily with safety in mind.

Purse/Wallet Safety

- Students should carry purses, portfolios or briefcases in a manner that will allow you to let go. Straps placed across your shoulder, around your neck or wrapped around your waist have caused injuries because women could not free themselves during a purse snatch.
- Always be aware of your surroundings and carry your pocketbook clasp toward you, close to your body, tucked in the bend of your elbow as if it were a football. If there is a long strap, wrap it around the bag.
- If someone attempts to snatch your pocket book, let go of it, especially if there is a weapon involved. When dining out, the only place for your purse should be your lap. The back of a chair is an easy target for a thief. Never carry a wallet in a rear pocket; use a front trouser or an inside coat pocket.
- Be particularly aware of your purse/wallet in crowded situations, such as rush-hour trains and buses. If you are jostled in a crowd, be aware that a pickpocket might be responsible. Beware of arguments or commotions designed to distract you while your pocket or purse is being picked.
- Minimize the amount of money, credit cards and valuables you carry by only taking items that are necessary for the day. Divide money between your purse/wallet and pockets. Carry your keys on your person separate from your identification.

Walking - Be Street Smart

- Use well-populated and well-lit streets. If you suspect you are being followed, stay away from deserted blocks and head for an area where there are people or to the nearest open store. If you are driven home, ask the driver to wait until you are safely inside. Should a motorist bother you while you are walking, reverse your direction. If you are still followed, seek a safe location and yell for help, if possible.

Elevator

- When waiting for an elevator, leave the lobby/hallway if someone makes you feel uncomfortable. Check the elevator's mirror before entering. Stand between the control panel and door when in the elevator. Exit the elevator if someone enters that makes you feel uneasy. If you feel the need to give an excuse, you can say, "Oh, I forgot my mail." If accosted, press as many buttons as possible to try and get the elevator to stop at the next floor.

Subway and Bus

- Use only entrances marked by a green indicator, where there is a clerk present 24 hours a day. Have your money or Metro Card available. Use designated waiting areas during off-peak hours. Ride in the conductor's car during off-peak hours. Sit in the center of the car, away from the door, to avoid a purse or chain snatch.
- Cover jewelry; turn stone rings toward the palm side of your hand. Stay awake and aware and exit with the crowd. Wait and walk close to the wall. Wait for the bus on the sidewalk away from the curb. Sit near the front of the bus. Be aware of your wallet/purse to avoid a pickpocket.

ATM

- Be aware of suspicious people near the entrance. Use well-lit, well-populated ATM's. Avoid ATM's that have unlocked doors or are directly out on the street. Block a bystander's view when doing your transaction. Use mirrors, positioned at the ATM, to see behind you. Put your money away and take your card and receipt before exiting an ATM. Your card is exclusively for your entry only. Make sure the door closes behind you.

Testing and Exercises

Exercises designed to test Elyon College's emergency procedures and preparedness are conducted at least annual and may be conducted in the form of a drill, partial or full scale exercise.

Violence Against Women Reauthorization Act (VAWA)

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions like Elyon College to comply with certain campus safety- and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the HEA. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs).

The changes made to the Clery Act by VAWA did not affect in any way Title IX of the Education Amendment of 1972 (Title IX), its implementing regulations or associated guidance issued by the Department's Office for Civil Rights (OCR) Nothing in the Clery Act, as amended by VAWA, alters or changes an institution's obligations or duties under title IX as interpreted by OCR.

In compliance to VAWA, Elyon College's Campus Security and Crime Prevention Policy includes procedures to follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

This policy also includes information about a victim's options for, and available assistance in, changing academic, living, and/or transportation situations if requested and reasonably available, regardless of whether the victim chooses to report the crime to campus authorities or local law enforcement. Elyon College also has a comprehensive related policy titled Enough is Enough relating to violence against women and is made available to all students.

Below is a list of the major changes that have been made to the Clery Act regulations and information regarding the 2015 Campus Safety and Security Survey, used to report Campus crime statistics to the Department:

Summary of the Major Changes to the Clery Act Regulations:

- Require institution to collect and report information regarding incidents of dating violence, domestic violence, sexual assault, and stalking that occur on an institution's Clery Geography and are reported to a Campus Security Authority or to local law enforcement agencies;

- Require institutions to disclose statistics of such incidents in their Annual Security Reports (ASRs) and the Campus Safety and Security Survey to maintain credible documentation that substantiates the institution's crime statistics.
- Require institutions to have policies and procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the institution's crime statistics.
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been "unfounded" by law enforcement officials and require institutions to report to the Department and disclose in the ASR the number of crimes that were "unfounded" and subsequently withhold from their crime statistics.
- Revise the definition of "rape" to reflect the Federal bureau of Investigation's (FBI) updated definition in the Uniform Crime Reporting (UCR) Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used the UCR National Incident-Based Reporting System;
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into different categories;
- Require institutions to provide information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees, as well as describe these programs in their ASRs. These programs must include: a statement that the institution prohibits the crime of dating violence, domestic violence, sexual assault and stalking; the definitions of these terms in the applicable jurisdiction; the definition of "consent," in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;
- Require institution to provide and describe in their ASRs, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness program;
- Define the terms "awareness programs," "bystander intervention," "ongoing prevention and awareness campaigns," "primary prevention programs," and "risk reduction";
- Require institutions to describe each type of disciplinary proceedings used by the institution in cases of alleged dating violence, domestic violence, sexual assault, or stalking; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; and the standard of evidence that will be used during the disciplinary proceeding;
- Require institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- A student victim's past sexual conduct may not be used against them during a rape trial.
- A victim will not be forced to bear the expense of their own rape exams or for service of a protection order. The protection order will be recognized and enforced in all states, tribal and territorial jurisdictions within the U.S.
- Require institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to provide students or employees who report being victims of dating violence, domestic violence, sexual assault or stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.

- Focus attention on the needs of underserved communities, including creating legal relief for battered immigrants so that abusers cannot use the victim’s immigration status to prevent victims from calling the police or seeking safety and supporting tribal governments in building their capacity to protect American Indian and Alaska Native women.
- Require institutions to provide for a prompt, fair, an impartial disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault, or stalking in which: (1) officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceedings and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt time frame; (5) the accuser and the accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused and appropriate officials are given timely and equal access to information that will be used during information and formal disciplinary meetings and hearings.
- Define the terms “proceeding” and “result”; and
- Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act, commonly known as FERPA (1974).

2014 ASRs and Statistics for the 2013 Calendar Year:

For their 2014 ASRs, institutions were required to make a good-faith effort to include incidents of dating violence, domestic violence, sexual assault, and stalking in the crime statistics for calendar year 2013. Institutions also were required to make a good-faith effort to ensure that the statistics for the new crime categories were accurate and complete in their ASRs with the understanding that institutions may not have complete statistics for 2013.

Missing Student Notification Policy

There are no campus housing facilities at Elyon College so a missing student notification policy is not mandated. When a student is absent more than a week in a row, the student’s home is called and messages are left to have the student get in touch with Elyon College to indicate a reason for absence. The missing student’s emergency contact are also contacted by phone. This policy is separate from Elyon College’s academic attendance policies.

Disciplinary Proceedings

Elyon College does not tolerate violence or other threatening conduct against any members of the school community. This includes criminal acts against persons or property, as well as harassment based on sex, gender, race, ethnicity, or disability. Elyon College will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on school facilities or at school- sponsored events. This includes acts of violence against women.

Elyon College 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 Elyon College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense Elyon College will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Voluntary Crime Reporting

If anyone is aware that a crime is being, or has been committed on Elyon College campus or at a school-sponsored/related event off-campus, the crime should be reported as soon as possible to Elyon College Administration as well as the local law enforcement. If the crime has occurred during non-business hours and Elyon College's office cannot be reached, local law enforcement can be contacted immediately and it should be reported directly to Elyon College as soon as possible the next business day. Immediate notification should be made to the following:

- (I) Malky Gut- Director of Administrations
- (II) Esther Kahn- Assistant Dean of Administrative Operations

New York, NY

Upon notification, a director/administrator will work with local law enforcement, as appropriate, when a crime is reported. Crimes reported to Elyon College are included in the annual campus crime statistics. In addition, Elyon College will request crime information from NYPD's 62nd precinct or other local law enforcement agencies that may have not been reported to Elyon College administrative office and, if appropriate, include it in the annual campus crime statistics. Further, if circumstances warrant, Elyon College community will be notified if an on-going threat is posed to the campus community related to a reported crime.

Voluntary, Confidential Crime Reporting

All reports of crime or misconduct will be investigated and all criminal violations of the law will be referred to law enforcement agencies. When a potentially dangerous threat to the campus community arises, timely reports or warnings will be issued through e-mail announcements, in-class announcements, or other appropriate means of communication.

If warranted, pastoral counselors and professional counselors must inform persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. That being said, Elyon College does not employ any campus-based pastoral or professional counselors.

Drug and Alcohol Abuse Prevention

Please refer to Elyon College's policy regarding Drug and Alcohol abuse prevention. Anyone violating this policy will be removed from school property and disciplinary action will be taken. Elyon College's Drug and Alcohol Abuse Prevention Policy is reviewed by Elyon College on a biannual basis and made available to students at the time of enrollment and employee each year.

The State of New York sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from Elyon College administrative office. Effective January 1, 1990, a package of state laws was passed regarding alcohol. They include the following:

1. Persons under age 21 found possessing alcohol may be given a maximum fine of \$50.

Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for up to 90 days.

2. Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or being required to do up to 30 hours of community service work.

A violation of any law regarding alcohol is also a violation of the Elyon College's Student Code of Conduct and will be treated as a separate disciplinary matter by Elyon College.

The Elyon College campus is drug free and only under specific school-mandated circumstances is the consumption of alcohol permitted (such as for religious ritualistic blessings). The possession, sale, manufacture or distribution of any controlled substance is illegal under both NY state and federal laws. Such laws are strictly enforced by the New York Police Department. Violators are subject to school sanctions, criminal prosecution, fine and imprisonment

Sexual Assault and Related Crimes

Elyon College is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. Specifically, Elyon College strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking.

Elyon College encourages the reporting of sexual misconduct that is prompt and accurate. This allows Elyon College's directors to quickly respond to allegations and offer immediate support to the victim. Elyon College is committed to protecting the confidentiality of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the victim and the accused will be afforded equitable rights during the investigative process.

It is the collective responsibility of all members of the Elyon College community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, Elyon College engages in ongoing prevention and awareness education programs. All incoming students and employees are required to receive educational materials about these subjects, and all members of the school community are encouraged to participate in training focused on the prevention of sexual misconduct.

This policy applies to all members of the Elyon College campus community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct (this can be someone who witnessed an incident or who wishes to report an incident on behalf of another). The policy applies to these parties regardless of sexual orientation or gender identity.

Elyon College's Sexual Assault and Related Crimes policy prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Please refer to the Crime Definitions section for a complete list of terms and prohibited acts.

This policy covers conduct that takes place on Elyon College's campus and public property within or immediately adjacent to and accessible from the campus. This also includes any building or property not within the same reasonably contiguous geographic area of the School that supports or relates to Elyon College's educational purposes and is frequently used by students, such as affiliation sites used for school internships.

This policy covers all educational programs, and campus and school-related activities, including, but not limited to, student organizations (course review sessions, tutoring sessions, clubs) community organizations with

student [and/or faculty] participation, and all other educational or extracurricular events hosted by or at Elyon College.

This policy covers sexual misconduct occurring between individuals in various types of relationships. These include, but are not limited to, student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to faculty/staff, faculty member to student, staff to student, supervisor to subordinate employees and Elyon College students. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization. These acts may be committed by a stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

Reporting Sexual Assault:

Students who are survivors of sexual assault are strongly encouraged to report the assault. The student may request the assistance of the administration to report the assault.

Reporting an assault to law enforcement does not require filing criminal charges but it does allow a support system to be put in place for the survivor. Filing a police report will provide the opportunity for the collection of evidence helpful in prosecution and will allow the student to be connected with the appropriate support and medical resources.

Students who are reporting an immediate assault should be accompanied to a health care facility of their choice to allow for the collection of evidence and treatment. Sexual assaults for which students seek medical treatment must be reported to the appropriate police agency by health care officials. However the student is not required to file a police report.

If requested by the survivor Elyon College will assist the survivor in changing his/her academic situation after the alleged assault.

Establishing Time Frames for the Review Process

Elyon College is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct and will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Unless there are extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.

The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 5 days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 10 days of receipt of the complaint.

Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 15 days of receipt of the complaint.

An appeal of the results must be submitted within 7 days of receipt of the written result. Unless there are extenuating circumstances, decisions on appeals are typically issued within 5 days of submission of the appeal.

Evidence

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least three (3) business days in advance of the scheduled hearing. Elyon College Director presiding at and/or hearing the case may exclude evidence that has not be shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. Elyon College Director/Administrator presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

Notification

Both parties must be notified simultaneously and in writing of:

1. The result of the disciplinary proceeding;
2. Any petition for appeal (which should be available to both parties);
3. Any change to the result that may occur prior to the time that the result becomes final
4. When the results become final.

Notification of findings

Within five (5) business days after the adjournment of the hearing, the student conduct hearing body shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any school official who is determined by the presiding School Director to have a legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both the complainant and respondent shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of any possible changes to the result that may occur before it becomes final, and when the result becomes final.

Sanctions

Elyon College considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to suspension and/or expulsion from Elyon College.

Retaliation

No member of the Elyon College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint, serves as a witness, or assists or participate in a proceeding in any manner. Participants who experience retaliation should report the incident to a School Director/Administrator.

Where to Report All Acts of Sexual Misconduct/Violence

1. Filing a Complaint with Elyon College:

A student may report sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, stalking, and cyber-stalking to the following school officials:

- (I) - President
- (II) – Associate Dean for Academic and Student Affairs
- (III) – Director of Administration

(IV) – Assistant Dean of Administrative Operations

2. Filing a Complaint with a State and/or Federal Agency:

A student who is not satisfied with the Elyon College's handling of a complaint, may also file a complaint with federal and state agencies. A list of agencies can be found on page 14 and 17 of this policy handout.

3. Dual Filing a Complaint with Elyon College and a State and/or Federal Agency:

In addition, the Complainant may file a complaint with the appropriate State or Federal agency at any point during the process. A list of agencies can be found on page 14 and 17 of this policy handout.

Elyon College will work with the victim, should it be requested, in making changes that can be reasonably accommodated relative to the student's academic, living, work and/or transportation situation. Though Elyon College does not provide student housing, Elyon College is still obligated to comply with a student's *request* for a living and/or academic situation change following an alleged sex offense. All determinations are at the sole discretion of Elyon College.

Elyon College educates the student community about sexual assaults and date rape through material handed out at the student orientations. NYPD also offers sexual assault education and information programs to school students and employees upon request. Literature on date rape education, risk reduction, and response is available upon request to a school director/administrator and more information is contained in Elyon College's policy titled Enough is Enough.

Student Disciplinary and Employee Disciplinary Complaints:

Potential Outcomes under the Procedures:

1. Criminal Complaints: The complaint may result in criminal penalties, such as fine, community service, probation, jail sentence, registration as a sex offender with the NYS or Federal data bases.
2. Institutional Complaints:
 - a. Under the sexual harassment policy, if there is a finding that a sexual assault may have occurred and the alleged perpetrator is:
 - A **student**, then the matter is referred to a school Director/administrator for student discipline, and the penalties may be disciplinary probation, suspension or expulsion from Elyon College.
 - An **employee**, then the matter is referred to a School Director/administrator for employee discipline and the penalties may include fines, formal counseling, probation, suspension with or without pay, or termination from employment.
 - b) Under the Student Disciplinary process penalties may be probation, suspension or dismissal from Elyon College.

- c) Under the Employee Disciplinary process, the penalties may be fines, formal counseling, probation, suspension with or without pay, or termination from employment.

Elyon College is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, suspension or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported sexual misconduct.

If a student becomes the victim of a sexual assault at Elyon College, their first priority should be to get to a place of safety. They should then obtain necessary medical treatment. Elyon College strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a school director/administrator and/or to a school faculty. Filing a police report with a School CSA will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. By filing a police report, victims are assured of the following:

- The victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Elyon College will also provide notification to students of existing off-campus counseling, mental health or other student services for victims of sex offenses, if requested. Elyon College encourages students and employees to take advantage of these materials and programs that promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses available through local community agencies. Please see the list below for counseling and support services outside the school system:

New York City Alliance against Sexual Assault
www.svfreenyc.org

Rape, Abuse, and Incest National Network (RAINN)
Toll-free Hotline: 1-800-656-HOPE
www.rainn.org

Albany County Rape Crisis Center
112 State Street (Albany County Building)- room 1100
Albany, NY 12207
Phone: (518) 447-5500
Admin: (518) 447-7100
24 hour hotline: 447-7716
Email: acrcdir@crisny.org

New York Asian Women's Center
39 Bowery, PMB 375
New York, NY 10002

Phone: (212) 732-5230
Fax: 212) 587-5731
Email: contact@nyawc.org

Hotline: 1-888-888-7702

National Sexual Violence Resource Center

123 North Enola Drive
Enola, PA 17025
Phone: (717) 909-0710
Toll-free: 1-877-739-3895
www.nsvrc.org

Please note that more resources are contained in the Elyon publication “Enough is Enough”. In addition some information may be repeated in both publications and are intended to supplement each other.

Bystander Intervention Programs:

Elyon College will provide safe and positive options for bystander interventions that an individual may take to prevent harm or intervene in risky situations. This may be achieved by providing students and bystanders with information contained in the resources listed below.

Bystander Intervention programs are defined as programs to teach men and women how to speak out against rape myths, and to intervene if someone is at risk of being assaulted. These programs have been shown to be an effective prevention tool.

Below are some resources that Elyon College uses to help teach Bystander Intervention:

- Report: <http://www.nacua.org/documents/WhiteHouseTaskForceonSexualAssaultReport.pdf>
- Not Alone: Together Against Sexual Assault: <https://www.notalone.gov/>
- Climate Survey Toolkit: <https://www.notalone.gov/assets/ovw-climate-survey.pdf>
- PSA: <http://www.whitehouse.gov/1is2Many>
- Bystander Intervention Factsheet: <https://www.notalone.gov/assets/bystander-summary.pdf>
- Establishing Prevention Programming:
<http://www.cdc.gov/violenceprevention/sexualviolence/prevention.html>

A common challenge with increasing bystander participation is that bystanders are often unsure of themselves as responders and unclear about whether intervention is unwelcome or needed. To help address this challenge, Elyon College also recommends the following bystander intervention programs:

- One in Four USA: <http://www.oneinfourusa.org/themensprogram.php>
- Coaching Boys Into Men: <http://www.futureswithoutviolence.org/engaging-men/coaching-boys-into-men/>
- The Men’s Project: <http://themensproject.ca/>

- Green Dot: <https://www.livethegreendot.com/>

Registered Sex Offenders

The Jacob Wetterling Act (42 USC 14071(j)) requires NY state to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders should visit the following website: www.nsopr.gov Furthermore, to the extent the NY State notifies Elyon College of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent Elyon College from disclosing such information.

Also in accordance with the Federal Campus Sex Crimes Prevention Act, registered sex offenders are required to register the name and address of any post-secondary school at which he or she is a student or employee. The New York State Division of Criminal Justice maintains a registry of convicted sex offenders and may inform a school officer of the presence on campus of a registered sex offender as a student or employee.

Information about Level 2 or Level 3 registered sex offenders on campus is available from a school director/administrator as applicable. To obtain information about Level 3 offenders, you may contact the NY State Criminal Justice Service's registry Web site at http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp and then click on "Search Level 2 or 3" on the right hand menu. To obtain information about Level 2 offenders, contact the local police precinct in which the offender resides, or the NY State Division of Criminal Justice Service's sex offender registry at 800-262-3257.

Bias-Related Crimes

To ensure an environment where an individual can achieve his/her academic and/or career goals, the Legislature of the State of New York has established, in compliance with state laws, policies and procedures to protect the entire school community from what has been termed "bias-related crime." As required by law, we are providing information about bias-related crimes and crime prevention. .

Definition of Bias-Related Crime

Bias-related offenses occur when persons are harassed, annoyed, threatened, alarmed, struck, shoved, kicked, or subjected to physical contact because of their race, color, religion, national origin, ancestry, gender, religious practice, age, sexual orientation, or disability. A racially or religiously targeted incident is an act or attempt by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes: threatening phone calls, graffiti, hate mail, physical assaults, vandalism, cross burning, fire bombing, and the like. Bias-related crime can be broken down into two legal categories: aggravated harassment in the first degree (NYS Penal Code Sec. 240.31), which is a Class E Felony, and aggravated harassment in the second degree (NYS Penal Code Sec. 240.30), which is a Class A Misdemeanor. Both types of offenses, as well as any other acts or threats of racial or religious intolerance are viewed as serious; such investigations are given priority by school officials.

First- and Second-Degree Harassment

According to the New York State Penal Code, aggravated harassment in the second degree occurs when a person: "Strikes, shoves, kicks, or otherwise, subjects another person to physical contact, or attempts or threatens to do the same because of the race, color, religion, or national origin of such person." A person is guilty of aggravated harassment in the first degree when, with the intent to harass, annoy, threaten, or alarm

another person, because of the race, color, religion, or national origin of such person, he/she: “Damages premises primarily used for religious purposes, or acquired pursuant to Section 6 of the religious corporation law and maintained for the purpose of religious instruction, and the damage to the premises exceeds \$50.”

Elyon College’s Policy for Dealing with Bias-Related Crimes

It is our policy to ensure that the rights guaranteed by New York State law and the U.S. Constitution are protected for all citizens, regardless of race, color, ethnicity, or religion. When such rights are infringed upon by violence, threats, or other harassment, Elyon College will use every resource necessary to rapidly and decisively identify the perpetrator(s), arrest them, and bring them to trial.

Students who have been victims of bias-related crimes should immediately report the incident to one of the following:

- (I) - President
- (II) – Associate Dean for Academic and Student Affairs
- (III) – Director of Administration
- (IV) – Assistant Dean of Administrative Operations

Should a student become a victim of a bias-related crime, all materials pertaining to the crime should be preserved, documented, and reported immediately to the aforementioned officials.

Preventing Bias-Related Crimes

Differences among people, as well as their similarities, need to be discussed so that all can learn to appreciate the uniqueness of every group. In ELYON COLLEGE’s multicultural and multiethnic community, we hope that through we may be able to help each student understand and contest negative racial attitudes, religious discrimination, and cultural intolerance.

Counseling and Support Services for Victims of Bias-Related Crimes

Anyone who is a victim of a bias-related crime is encouraged to seek counseling from a trained mental health professional. ELYON COLLEGE will assist any student wishing to contact outside agencies, including local police, regarding charges and complaints of a bias-related crime.

Off-Campus Resources

1. NYC Police Department 62nd Precinct 1925 Bath Ave, Brooklyn, NY 11214; (718) 236-2611
2. NYC Police Department Detective Bureau; Hate Crimes Task Force; 1 Police Plaza, New York, 646-610-5267
3. Manhattan District Attorney, Community Affairs Unit; 212-335-9082
4. Queens District Attorney, Anti-bias Unit; 718-286-7041
5. Bronx District Attorney; 718-590-2427 or 718-590-2715

6. Brooklyn District Attorney, Community Affairs Unit; 718-250-2241
7. Staten Island District Attorney, Special Investigations/ Bias Unit; 718-876-6300 or 718-556-7167
8. NYC Victims Services Agency; 212-577-7777. This service is open 24 hours a day, seven days a week, and provides crisis intervention for crime victims.
9. Gay & Lesbian Anti-Violence Project; 212-807-0197 (24-hour hotline). This service is open 10 am–8 pm, Monday–Thursday, and 10 am–6 pm, Friday. It provides short-term crisis counseling, advocacy services, and referrals for long-term counseling.
10. National Hate Crimes Hotline; 208-246-2292.

Crime Codes and Definitions

In compliance with federal law, in an effort to promote the personal safety of the school community, the following information has been prepared for review. Elyon College must produce and distribute an annual report containing the crime statistics defined in Elyon College’s stated security policies. This report focuses on the federal requirements under the Jeanne Clery Disclosure Security Policy and Campus Crime Statistics Act and the Violence against Women Act (VAWA). As of 2015, the following categories of crimes on the campus, certain non-campus properties, and certain public property areas will be reported to the local police (13th Precinct):

- (I) Homicide:
- (II) Manslaughter by Negligence: The killing of another person by gross negligence
- (III) Murder and Non-negligence Manslaughter: The willful (non-negligent) killing of one human being by another
- (IV) Sex Offenses: Any sexual act directed against another person, forcibly and/or against that person’s will where the victim is incapable of giving consent
- (V) Forcible Rape: The carnal knowledge of another person, forcibly and/or against that person’s will where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent incapacity.
- (VI) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent incapacity.

The Violence Against Women Act (VAWA) and its proposed regulations require the inclusion of certain New York State definitions in a campus’s Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. These required terms and definitions are:

- (i) Consent: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in

the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

- (II) Consent, abbreviated: Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

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

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

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

- (VI) Stalking: The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Arrest and Referral

Federal law also requires that Elyon College provide statistics for the following categories of arrest or referrals for campus disciplinary action (if an arrest was not made): liquor law violation, drug law violation, and illegal weapons possession.

- (I) 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.
- (II) 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, but are not limited to: opium or cocaine; synthetic narcotics (e.g., Demerol, methadone); and dangerous non-narcotic drugs (e.g., barbiturates, Benzedrine).
- (III) Liquor Law Violations The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquors, maintaining an unlawful drinking place; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.

Reporting Locations

For the purpose of reporting, Elyon College's crime statistics are compiled in accordance with the categories of on-campus and public properties as per the following definitions:

- (I) 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 paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes
- (II) Non-campus Buildings/Property: 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.
- (III) Public Property: All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, street, other thoroughfare, or parking facility and is adjacent to a facility owned or controlled by the institution or the facility, and is used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

EVALUATION: This report is updated annually as applicable by the Faculty, Administration, Associate Dean for Academic and Student Affairs, Assistant Dean for Administrative Operations, and President and students to ensure the effectiveness of this policy and procedures.

RESULTS: Feedback from evaluation will be used to determine the effectiveness of this policy and procedures. Changes will be made accordingly.