

SUNY ONEONTA – Cooperstown Campus  
*ANNUAL CAMPUS SAFETY REPORT*  
**Calendar year 2022**  
**Prepared in 2023**

***Report Overview and Background***

At SUNY Oneonta, the safety and well-being of our students, faculty, staff, and visitors is our highest priority. A safe and secure environment can be achieved only through the cooperation of all members of the campus community. This publication is part of our effort to ensure the safety of all through successful collaboration and preventive measures. We hope you read it carefully and use the information to help foster a safe environment for yourself and others.

This report is filed as required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (hereafter referred to as the Campus Safety Act) and the Higher Education Opportunity Act (P.L. 110-315). This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the current, and two previous calendar years. The purpose of this report is to provide our current and prospective faculty, staff and students with campus and fire safety information including crime and fire statistics, and programs and procedures to follow to report a crime or other emergency situations.

The crime and referral statistics contained in this report are compiled by the Chief of Police, the Director of Community Standards, and the Office of Student Affairs. Independent databases are maintained by University Police and Community Standards. A numbering system is used to match cases to avoid duplicate counts of arrests and referrals. The data is reported annually to the Vice President and Associate Vice President for Student Affairs, who review and report the data. The report is prepared by the Office of the Vice President for Student Affairs and is electronically available at <https://suny.oneonta.edu/university-police/annual-campus-safety-security-reports>. The report is distributed to new and returning students via an annual e-mail notification containing a statement of the report's availability, a description of its contents, and a link to the report. A link to the report is also included in the online Code of Student Conduct, Undergraduate Catalogue and Graduate Catalogue. New students and their parents or guardians are informed of the report through the My Oneonta student portal and at first-year, transfer, graduate student, and parent orientation sessions. Prospective students and their parents or guardians are informed of the report via the Admissions Office website and visiting student materials. Faculty and staff members receive the report through an annual e-mail notification and via the campus e-newsletter, the *Bulletin*. New and prospective employees are informed of the report through the Human Resources and Employment Opportunities websites and at new employee orientations. Hard copies of this report are available to prospective employees and students along with their parents or guardians upon request by contacting the University Police Department, Emergency Services Bldg, Oneonta, NY 13820, (607) 436-3550. Any questions regarding this report should be directed to the Vice President for Student Affairs in room 119, Netzer Administration Building, or telephone (607) 436-2513.

Any fire safety information and statistics are compiled by the Chief of Police, Emergency Management Coordinator, and Associate Vice President for Facilities. Institutions that maintain on-campus student housing facilities must report to the Department of Education and annually publish a fire safety report on campus fire safety practices and standards.

### ***SUNY Oneonta – Cooperstown Campus***

In 2022, the Cooperstown Graduate Program enrolled 69 students. There are no residence halls at this location and, while students are eligible to reside at the main campus, none currently do. The Cooperstown Campus employs 7 faculty and 13 administrative staff, for a total of 20 faculty and support staff.

### ***Security of and Access to Campus Facilities***

Students, faculty, and employees have access to academic and administrative facilities on campus during regular hours of operation. Campus buildings are locked at night and when classes are not in session. Locked campus buildings are accessible only to faculty, staff, and students with proper identification and access cards or keys.

The public can attend events on campus, that are open to the public, with their access limited only to the facilities in which these events are held. To report any violations of this policy or to report a suspicious person, dial 607-436-3550 for the University Police. The Cooperstown Campus should also report suspicious or criminal activity to the Otsego County Sheriff, 607-547-4270 or 911. A Memorandum of Understanding is in effect with the Otsego County Sheriff as well as the Village of Cooperstown Police.

### ***Code of Student Conduct***

Student conduct is regulated by the Code of Student Conduct. The Code is available online and hard copies can be obtained at the Student Affairs Office. In compliance with an April 2004 directive from the SUNY Chancellor, all students are required to receive and positively affirm they have read and understand the Code on an annual basis. Access to registration is denied to students who have not completed the affirmation. Sanctions for violation of the Code include: Suspension, Restrictive Disciplinary Probation, General Probation, Residence Hall License Revocation, Residence Hall Transfer, Residence Hall Probation, Residence Hall Ban, a letter of reprimand, Restitution of property, Educational sanctions, Dismissal, a letter of admonishment. The results of disciplinary hearings are considered confidential except as permitted by law and FERPA exception.

SUNY Oneonta is committed to maintaining an environment in which students, faculty, staff and guests can work together free from all forms of harassment, exploitation and intimidation. SUNY Oneonta will act as needed to discourage, prevent, correct and if necessary discipline behavior that violates this standard of conduct. The University Police department will promptly investigate allegations of unlawful discrimination based on race, color, sex, religion, age, national origin, marital status, sexual orientation, disability, or status as a veteran. Allegations of unlawful discrimination can first be discussed with the Counseling Center, the Office of Student conduct, the Affirmative Action Officer, or the Vice President for Student Affairs.

### ***University Police Department – Jurisdiction and Authority***

Campus safety and security are coordinated by the university police department, which has a force of 18 sworn police officers with full arrest powers. As an armed police department, patrol members respond to all emergencies, dispatched by five Certified Law Enforcement dispatchers.

SUNY Oneonta police officers must meet the highest standards in New York State for law enforcement officers. The officers have passed a basic training program administered by the State University of New York State Police Academy in Albany, NY or a local regional police academy, and undergo continuous training to upgrade their skills. Officers have been trained in

emergency medical procedures and first aid. They conduct vehicular patrols on campus areas daily, 365 days a year.

The objective of the university police is to provide a safe environment for teaching, research and social endeavors and to protect the lives and property of the students, employees and visitors of the state university. This objective is pursued within the framework of SUNY Oneonta rules and regulations and all local, state and federal laws. The investigation of crimes committed on the campus fall under the jurisdiction of the University Police department.

The SUNY Oneonta University Police Department has been accredited by the New York State Division of Criminal Justice Services Accreditation Council. Accreditation provides formal external validation that an organization meets or exceeds general expectations of quality in the field, and acknowledges the implementation of policies that are conceptually sound and operationally effective. Accreditation also allows police agencies to continually evaluate and improve their overall performance. Only 25 percent of all police departments in New York State are accredited, and only 13 other SUNY police departments hold this accreditation. In addition, individual SUNY Oneonta officers have been recognized for their outstanding courage, professionalism, and service by the SUNY Police Chiefs Association.

SUNY Oneonta University Police also work closely with the Cooperstown Village police, the Otsego County Sheriff's department, and the New York State Police to assist them with incidents that may occur off campus but involve campus staff or students. In addition, the department maintains up-to-date Memoranda of Understanding (MOU) with the City of Oneonta Police, Town of Oneonta Constable, Otsego County Sheriff, and the Village of Cooperstown Police. While the New York State Police will not enter into an MOU, they have assured the campus they will respond to appropriate situations and University Police maintains a strong working relationship with the local Zone Commander. Criminal activity by students and student groups off-campus is reported to university officials (police and community standards) by local policing agencies through routine information sharing practices. Students involved in off-campus situations involving alcohol/drug offenses or other criminal activities may be referred to the campus conduct program.

SUNY Oneonta is the host site for the Otsego County Law Enforcement Academy. The Academy is directed by a full-time retired police officer, with many University Police officers serving as certified instructors. The Academy offers the Department of Criminal Justice Services mandated training program that every NYS police officer must successfully complete within one year of hiring date. Additional in-service training courses for certified law enforcement officers are offered throughout the year.

SUNY Oneonta monitors and records, through our partnership with local law enforcement agencies, any criminal activity committed by students off campus. The Code of Student Conduct indicates that our partner law enforcement agencies will communicate with campus administrators and university police regarding any criminal arrest in their jurisdiction involving a student.

### ***Crime Reporting***

All members of the campus community are expected to report criminal incidents, emergencies and suspicious activity promptly and with as much detail as possible. Periodic reminders appear in the campus newsletter (the *Bulletin*). The campus emergency number is 607-436-3550 or 911

and this should be used for all fire, medical and police emergencies. All reports are classified, logged, and responded to thoroughly.

Crimes in progress, and any other emergencies on campus can be reported directly by any student, faculty member, employee, or any community member to the university police department by dialing campus extension 607-436-3550 or 911. The University Police can also be reached using campus blue light emergency phones or the residence hall door phones, which have a red campus police emergency button. Upon receipt of the call, University Police officers are dispatched immediately to the site of the complaint. They prepare and submit incident reports which are kept on file.

Members of the campus community can also report criminal incidents to the following offices:

Vice President for Student Affairs – 607-436-2513

Director Community Standards – 607-436-3353

Director Counseling Center – 607-436-3368

Director Student Health Services – 607-436-3573

Director Residential Community Life – 607-436-2514

Director Athletics – 607-436-3594

Director Student Activities – 607-436-2410

Chief Diversity Officer – 607-436-2830

The offices noted above also allow victims and witnesses to report crime on a voluntary, confidential basis. Reports of this nature are filed with the university police for information purposes, but there is no formal investigation of the incident.

Faculty and staff with responsibility for student advisement and counseling (Campus Security Authority or CSA) are advised annually of their responsibility to report criminal incidents. If a victim doesn't want the report to go any further than the CSA, the CSA is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not 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. (Counselors are defined as follows: Pastoral Counselor-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 - 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 certification.)

The University Police department maintains an anonymous Silent Witness website at <https://forms.office.com/Pages/ResponsePage.aspx?id=qLHJsQ3Rn0yRcnKKjAjrZeHBTadEbu9MhiSXkMddNy9UMVE4UIMzSzRLQIE2VUw2QkMwRIVRSDJPUiQIQCN0PWcu> . Or by navigating to the [UPD homepage](#) and clicking on the red "Silent Witness" button on the lower right column of the page. Any person may report criminal activity to the University Police using this site. Information provided through this site is reviewed and investigated.

For staff and students living off campus, a listing of major area emergency numbers follows:

Cooperstown Village Police	607-547-2500
Cooperstown Fire Department	911/607-547-2761
City of Oneonta Fire Department	911/607-433-3480
City of Oneonta Police Department	911/607-432-1113
Community 24-hour Crisis Line	988/877-369-6699
New York State Police	607-432-3211
Otsego County Sheriff	607-433-1340
Rape Crisis Center	607-432-4855
Town of Oneonta Constable	607-432-2971

### ***Timely Warnings***

Members of the campus community are notified of crimes on campus that may pose a threat to their safety and well-being through the issuance of timely warnings. Timely warnings are generally issued for serious or ongoing threats to enable students and employees to protect themselves and to prevent further crimes from occurring. The decision to issue a timely warning is made on a case-by-case basis by University Police in consultation with the university administration considering all available facts, including such factors as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Timely warnings are issued without delay, as soon as enough pertinent information is available and may include the type, date, time, and location of a crime, as well as any available information about the suspect(s) and personal safety information; however, timely warnings always withhold the names of victims and treat any identifying information about the victim as strictly confidential.

When a determination to issue a timely warning has been made, University Police immediately contacts university administrators and the Office of Communications to distribute the warning in one or more of the following ways:

- Emergency alerts on the university website home page, University Police page, and the student portal.
- Campus wide email
- Fliers and posters in the residence halls and common areas in academic and administrative buildings.
- SUNYO ALERT
- Alerts to local media outlets
- Warnings in the campus newspaper and radio station
- Campus wide voicemail

### ***Emergency Response, Notification, and Evacuation Procedures***

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually University Police, the Cooperstown Police Department, the Otsego County Sheriff, the Oneonta City Police Department, and the Oneonta Fire Department. Depending on the nature of the incident, other local or federal agencies could also be involved. University Police officers have been trained and certified in advanced police work that includes fire safety, firearms and firearms instruction, first aid and personal safety, hazardous materials,

and rapid deployment.

SUNY Oneonta's website includes information about the university's [Emergency Response Plan](#) and procedures, campus and fire safety, evacuation policies and procedures, and pandemic planning. The university conducts numerous emergency response exercises each year, including regularly scheduled drills, tabletop exercises, appropriate follow-through activities, and tests of the emergency notification systems on campus to assess and evaluate the emergency plans and capabilities of the university. (Please see Appendix A for evacuation procedures).

Perhaps the most critical aspect of any emergency response is communication. In the event of a major emergency, or if there is an event which poses a threat to students, employees, or others, a "Campus Alert Bulletin" will be prepared and distributed in one or more of the following ways:

- \* SUNYO ALERT
- \* the University web site
- \* letter to students, faculty, and staff
- \* WONY FM
- \* campus e-mail service
- \* campus newspaper
- \* local media outlets
- \* campus voice mail service
- \* main entrance doors to academic and residence hall buildings.
- \* Social media sites

SUNY Oneonta uses SUNYO-ALERT as an emergency contact system designed to send e-mail, recorded voice, and text messages to multiple addresses and phone numbers, in response to any event or situation on the campus which poses a serious safety concern, including weather related class cancellations. The system is tested annually.

Faculty, staff, and students are strongly encouraged to provide their emergency contact information, which is collected via a University website application. Students are reminded to provide/update their information regularly when they access campus web services. Employees are contacted each semester to provide/update information in SUNYO- ALERT. Complete guidelines for initiating an emergency message can be found at: <https://suny.oneonta.edu/policy-library/policies-z/urgent-message-policy>

SUNY Oneonta's policies and procedures for emergency situations can be found at <https://suny.oneonta.edu/emergency-response-guidelines> , and includes the following response plans, procedures, and safety information:

Emergency Plan for Communicable Disease

Active Shooter

Fire

Bomb Threat

Medical Emergency

Mental Health Emergency

Sexual Assault

Hazardous Material Release

Utility Emergency

Extreme Weather Emergency

Shelter in Place, Lockdown, and Evacuation procedures  
Personal Safety on Campus  
Pedestrian Safety  
Bias Acts/Incidents  
Interpersonal Violence  
Outdoor Siren Alert Procedure

Additionally, the important policies and information below are contained on our website:

[SUNY Board of Trustees Rules for the Maintenance of Public Order](#)

[Electronic Surveillance Policy](#)

[Workplace Violence Policy \(PDF\)](#)

[Campus Emergency Blue Light Phones](#)

[Child Protection Policy](#)

SUNY Oneonta distributes this important emergency information to all students and employees annually via email link. The University also posts the link on the homepage for quick and easy access. New students are provided this information during onboarding at Orientation each semester. New Faculty and Staff are also provided this information during their onboarding.

### ***Crime Prevention Activities***

#### *Community Policing Model*

SUNY Oneonta adheres to an active community-policing model that involves the entire campus in promoting crime prevention and safety awareness and promotes cooperation between the campus and its surrounding community. Bicycle, foot, and vehicle patrols enable officers to monitor and maintain security on campus around the clock. Firmly established guidelines and procedures allow officers to respond quickly to emergencies and events that may compromise the safety of the campus. University Police works with other area law enforcement agencies on mutual concerns and investigations.

#### *Crime Prevention and Safety Awareness Education*

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, the University Police hold educational programs each semester on a variety of topics including personal safety awareness and security, rape awareness/sexual assertiveness training, and anti-theft programs. Information on safety and security is provided on request to students and employees regularly via seminars, videos, crime alerts, posters, brochures, the student newspapers and at [\*www.oneonta.edu/admin/police\*](http://www.oneonta.edu/admin/police).

During new student and new faculty orientation, programs are presented which address sexual assault, fire safety, and other personal safety topics. Students and faculty are also informed of many personal safety services available on campus, which include campus escort, blue light emergency phone system, mental health services, and emergency response notification and procedures. These orientation sessions typically occur twice a year

A free comprehensive self-defense course (R.A.D.) on awareness, prevention, and risk reduction is offered annually for employees and students. Instructors are SUNY Oneonta University Police

officers with years of law enforcement and self-defense experience who are nationally certified R.A.D. System (Rape Aggression Defense) instructors. Other services available through the University Police department throughout the year include motorist assistance, lost and found, and assistance with class projects. All of these programs are offered upon request.

The physical plant department maintains the campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. Concerns about the physical safety of campus buildings and grounds, should be directed to the physical plant office Monday through Friday, 7:00 a.m. to 3:30 p.m., at 607-436-2507. For emergencies that occur during non-business hours, call the University Police Department at 607-436-3550 or 911.

In compliance with NYS education law 129A, SUNY Oneonta has a Personal Safety Committee charged with advising the president and chief of police on matters of campus security, public safety, and personal safety; review and suggest improvement in safety education programs; assess availability of counseling service for crime victims; review victim referral and campus response procedures for sexual assault situations; conduct ongoing assessment of the quality of campus personnel safety policies, practices, procedures and programs; and provide information to incoming students about sexual assault prevention measures, penalties, and related security procedures. This committee meets monthly and provides an annual report to the president and chief of police.

SUNY Oneonta Cooperstown campus is well lighted, and further lighting improvements are regularly made. These include placing LED lights on buildings, in parking lot areas, in areas with heavy landscaping and trees, and along pathways frequently traveled by students. These recommendations are taken on a rolling bases and improvements are made annually.

### ***Policy on Alcohol and Drugs***

The University Police enforce laws regulating underage drinking and the use of controlled substances and weapons. The illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are in violation of state and federal law. SUNY Oneonta complies with the requirements of the New York State Alcohol Beverage Control Law and the New York State Penal Code, which provides that “no person under the age of 21 will possess any alcoholic beverage with the intent to consume such beverage.” The campus alcohol policy prohibits alcoholic beverages in residence halls and at student events. Higgins Hall has a very detailed policy allowing possession or consumption of alcohol by persons at least 21 years of age. (See Appendix D.) On a limited and highly selective basis, the campus policy is waived and alcoholic beverages are served at student functions in accordance with federal, state, and local laws. The Division of Student Affairs provides counseling and regularly offers programs and courses on drugs and alcohol. Under certain circumstances, SUNY Oneonta notifies parents of violations and makes mandatory referral to an alcohol and drug education program. The possession, sale or use of any illegal drug on campus will not be tolerated and the penalty for violation is very severe. University policy prohibits open containers of alcoholic beverages in all outside areas on the campus. Bringing alcoholic beverages to any public or private event on campus is not permitted. Members of the campus community in need of assistance with respect to a question or personal problem regarding alcohol or other drugs should contact the student health center, at (607) 436-3573. A complete description of SUNY Oneonta’s drug and alcohol policy and abuse education programs

as required under Section 120(a) through (d) of the HEA can be found in the [Code of Student Conduct](#). SUNY Oneonta complies with the Drug-Free Schools and Communities Act (DFSCA). The materials we use to comply with DFSCA can be found at <http://www.oneonta.edu/Affairs/health/drugandalcoholabuse.asp>.

### ***Weapons on Campus***

Possession and or use of any Weapon or any device capable of use as a weapon by release of explosive material, noxious material, electric discharge, or projectile, is prohibited on Campus.

*Exemptions to this Policy are as follows:*

1. The President, as the chief administrative officer of the Campus, and consistent with 8NYCRR Part 590, grants the following exceptions to the prohibition of Weapons on Campus:
  - a. Military or law enforcement of the United States or the State of New York in pursuit of their official duties, as provided for under 8 NYCRR 590.1, SUNY Policy 5403.
  - b. Possession of a self-defense spray as allowed under New Your State Penal Law Section 265.20(a)(14) and must follow [New York State Codes, Rules and Regulations Section 54.3 Requirements](#) which governs substance type, size, and weight of spray allowed.

### ***Compliance with Policy***

1. The use of the spray is deemed force on another and needs to be justified and will be investigated.
2. Failure to comply with the University's prohibition of Weapons on Campus shall be considered an intentional violation of Campus policy.
3. Violation of this policy may result in criminal prosecution, disciplinary action, including termination from employment or expulsion from the Campus, and/or other sanctions.

### ***Sexual and Interpersonal Violence***

Sexual violence is a violation of university policy and federal civil rights law and may also be subject to criminal prosecution. SUNY Oneonta prohibits all forms of violence and threats of violence on campus, including sexual violence, sexual assault, domestic violence, dating violence, and stalking, whether in the academic setting or workplace. We strive to create a campus community that is wholly intolerant of sexual harassment and all forms of abuse and violence. SUNY Oneonta is committed to providing crisis intervention measures and a campus response that protects the rights of the victim and the accused; referring students to criminal authorities; and educating and promoting continual discussion of interpersonal abuse and violence issues and prevention. Offenders are subject to appropriate campus adjudication processes, disciplinary action, and criminal proceedings. Interim measures may be imposed pending the outcome of any adjudication.

### ***Response Procedures***

When an incident of sexual violence, domestic violence, dating violence, or stalking is reported, the university provides victims with available options, remedies, and services. SUNY Oneonta's response to sexual assault may involve a number of individuals and agencies, including University Police or local law enforcement, the Title IX officer, medical and counseling services personnel, and Residential Community Life staff. On-campus cases receive a timely campus-based investigation that is confidential and thorough and protects individual rights and due

process. SUNY Oneonta strongly encourages accurate and prompt reporting of these crimes. There are, however, options available for students who wish to maintain confidentiality while getting the support they need. \*Different employees on campus have different abilities to maintain a victim's confidentiality. Mental health counselors, health care providers, pastoral counselors acting in their professional capacities can maintain confidentiality. Other reporting agents can treat information as privileged and private, but are required to communicate information with the Title IX Coordinators. Reporting a crime to the police or to a campus office does not obligate the victim to pursue criminal prosecution. For students, in addition to criminal charges, sexual and interpersonal violence is prohibited conduct as specified in the SUNY Oneonta [Code of Student Conduct](#). Both the victim and the accused are afforded equitable rights during the investigative process.

Whenever a violent or sex related crime is reported to a member of the SUNY Oneonta campus community they have been trained to contact the Title IX coordinator and provide the victim with emergency resources such as medical attention, counseling services, and/or call University Police for ongoing safety concerns. The victim may decline such services. Injured victims are transported to Bassett Hospital or another appropriate health-care facility. When a victim reports sexual violence, dating violence, domestic violence or stalking, they will meet with approved Title IX investigators and be provided with written notification of available options, their rights and assistance with accommodations in academic, living, transportation and working situations, as well as protective measures that can be taken on campus and within the community. This process is the same for students and employees. Victims will be advised of their option to report to an appropriate law enforcement agency, if they haven't already, and be assisted with such a report. They may also decline to involve law enforcement and elect to use the Student Code of Conduct process or the Title IX grievance procedure. Where applicable the institution may aid the victim in gaining an order of protection and or a no contact order from the institution. These accommodations and/or protective measures are available to the victim regardless of whether they choose to report the crime to law enforcement.

With all violent felony or sex-related crimes, immediate collection of evidence is crucial. Victims are reminded of the importance of evidence preservation and are encouraged not to destroy evidence by bathing, showering, changing clothes, combing hair, drinking, eating, or doing anything to alter their physical state or appearance until after a physical exam has been completed. Officers work quickly to secure the crime scene and implement proper investigative measures, including basic interviews to ascertain the nature of the crime. If the perpetrator of a crime is at large or is unidentified, it is critical to the safety of the campus and community that the interview be conducted as soon as possible and timely warnings issued if appropriate.

### *Disciplinary Procedures*

In cases of sexual assault, domestic violence, dating violence, or stalking the University will provide a fair, prompt, and impartial process from investigation to conclusion. Hearings officers receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, including the hearing process and how to conduct an investigation that protects the safety of victims and promotes accountability. If the accused is a student, the standard of evidence used in an institutional disciplinary hearing will be preponderance of the evidence.

Both accusers and accused are entitled to notification of charges and hearing date, as well as the same opportunity to have an adviser of their choice present at any hearing or related meetings. Both parties will be informed simultaneously in writing of the outcome of any institutional

disciplinary proceedings that arise from an allegation of domestic violence, dating violence, sexual assault, or stalking; the university's procedures for the accused and the accuser to appeal the results; changes that occur along the way; and the final results of any appeals. Compliance does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). These protections apply 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.

The procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including the steps, anticipated timelines, and decision-making process for each, are delineated in the Code of Student Conduct for students and the full Sexual Violence Response policy for employees and students.

SUNY Oneonta will periodically update the alleged victim of a crime of violence or a non-forcible sex offense on the status of the case, and will disclose to the alleged victim the results of any disciplinary hearing conducted by the university 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, the University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### Students:

Student alleged incidents of dating violence, domestic violence, sexual assault or stalking may be reported to a number of offices on campus including the Title IX Coordinator and/or the Office of Community Standards. Reports to the Office of Community Standards will be processed in accordance with the *Code of Student Conduct*. With the exception of very minor cases of stalking that could also be referred for a Residence Hall Director meeting if the student lives on campus, cases will be adjudicated through an Administrative or Standing Disciplinary Board Hearing. The hearing type is determined by the egregious nature of the case. A more serious crime will always be adjudicated by the Standing Disciplinary Board.

An incident report will be filed with the Community Standards office. An investigation will be conducted and the type of hearing will be decided upon. Students are notified in writing of the date and time of their hearing, as well as the charges. An Administrative hearing is held with one University Administrator hearing the evidence and making the decision. The Standing Disciplinary Board is comprised of 7 faculty, staff, and student representatives. The case would be presented to them and they make a determination based on a majority vote. SUNY Oneonta's student conduct processes uses a preponderance of evidence standard for a responsible finding. If found responsible, the sanctions may include suspension or expulsion from the institution, community service, educational program, no contact order, housing revocation, housing transfer, or probation.

Interim measures may be taken by the vice president for student Affairs and/or her/his designee may impose a temporary disciplinary suspension or other restrictions (housing revocation, no contact order or persona non grata status) prior to the hearing to ensure the safety and well-being of members of the community or preservation of University property; to ensure the student's own physical or emotion safety and well-being; or if the student poses a definite threat of disruption or interference with the normal operations of the University.

#### *Student Bill of Rights*

## **Student's Bill of Rights**

The State University of New York and SUNY Oneonta are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence and/or stalking to ensure that they can continue to participate in University-wide and campus programs, activities, and employment. All victims/survivors 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 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 pressures 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 which shall be considered by a panel, not a single person;
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 conduct process of the University.

### Options in Brief

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

- Receive resources, such as counseling and medical attention;
- Confidentiality or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy visit

<https://suny.oneonta.edu/know-violence/reporting> )

- Make a report to:

- o An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
- o University Police;
- o Local law enforcement; and/or
- o Family Court or Civil Court.

The complete *Code of Student Conduct*, including the Sexual and Interpersonal Violence policy

can be found here: <http://www.oneonta.edu/communitystandards/code-of-student-conduct.asp>

### Employees

The full Sexual Violence Response policy for employees and students can be found here:

<https://suny.oneonta.edu/know-violence/sexual-violence-response-policy>

Harassment & Sexual Harassment policy:

[https://www.suny.edu/sunypp/documents.cfm?doc\\_id=451](https://www.suny.edu/sunypp/documents.cfm?doc_id=451)

Workplace Violence Policy and The Domestic Violence in the Workplace Policy and Procedures: <https://suny.oneonta.edu/employee-services/policies-procedures>

Excerpt – Through Human Resources, “The University, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligation or collective bargaining agreements, will take all appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.”

Several support options in order to mitigate reoccurrences of domestic violence in an effort to protect all employees including the victim: Advising co-workers, supervisors, and , upon request, the employee’s bargaining representative, of the situation; setting up procedures for alerting University Police, temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule; escort for entry to and exit from the building; responding to telephone, fax, email or mail harassment; keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential, on-site location and providing copies to University Police; the University will address any additional concerns raised by a situation in which both the victim and offender are employed by the University. Employees may also opt to report prohibited behaviors to the Title IX Coordinator.

### *Privacy*

SUNY Oneonta will protect the privacy of all parties to a complaint or other report of sexual violence, dating violence, domestic violence, or stalking to the extent possible. The University will complete publicly available record keeping in accordance with federal and state law, without the inclusion of personally identifying information about the victim. When the University receives complaints of violence an obligation exists to respond in a way that limits the effects of the violence and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses, the reporting individual, and the respondent. If you are the reporting individual and are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. Staff members at certain resources are obligated by law to maintain confidentiality, including the Counseling Center staff on-campus and the local rape crisis center off-campus. Contact information for both of those facilities and further information on options for confidentiality and privacy can be found here: <https://suny.oneonta.edu/know-violence/reporting> .

### *Prevention and awareness programs*

The university continually works to develop and hone curricular and co-curricular educational programs on personal safety precautions and prevention, crime reporting, medical and counseling services, availability of legal services, the university discipline system, and sexual assault prevention. University Police, the Health Center, the Counseling Center, and the Office of Equity and inclusion, Residence Life and New Student Services all conduct ongoing educational campaigns for students, faculty, and staff to promote safety and awareness and aid in the prevention of sexual violence, dating violence, domestic violence, and stalking. Students and

employees learn about these programs during first-year, transfer, and graduate orientations each semester; via SUNY Oneonta presentation online education component, Campus Clarity; through ongoing extracurricular educational programming during the semester; and through presentations to students in the residence halls each semester. Programs are designed to promote positive behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention tactics, and positively influence behavior and social norms.

Primary prevention and awareness programs for all incoming students and employees include:

- a clear statement of the prohibition of sexual assault, rape, dating violence, domestic violence, and stalking at SUNY Oneonta;
- definitions of sexual assault, rape, dating violence, domestic violence, and stalking in the applicable jurisdiction (see *Definitions* section below for full list);
- a definition of consent, with reference to sexual offenses, in the applicable jurisdiction (see *Definitions* section below for full list);
- information on safe and positive bystander intervention that an individual may take to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- information on risk reduction, how to recognize warning signs of abusive behavior, and how to avoid potential attacks;
- information on institutional disciplinary procedures, sanctions, and protective measures in cases of VAWA crimes;
- procedures that victims of VAWA crimes should follow, including
  - the importance of preserving evidence of such crimes;
  - how and to whom the alleged offenses should be reported;
  - rights and options regarding law enforcement and campus authorities, including the victim's options to notify proper law enforcement authorities, assistance from campus authorities with such notification, and the victim's right to decline to notify;
  - victims' rights and the university's responsibilities for orders of protection as well as options for and available assistance with changing academic, living, transportation, and working situations, regardless of whether the victim reports the crime to campus police or law enforcement;
  - available services, including counseling, health, mental health, victim advocacy, and legal assistance.
- ongoing prevention and awareness campaigns for current students, faculty, and staff on all of the above.

Beginning in fall 2015, student leaders and officers of recognized student organizations and those seeking recognition began to complete training on domestic violence, dating violence, sexual assault, and stalking prevention as part of the approval process. Student-athletes also began to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Specific prevention and awareness programs include:

#### Take Back the Night

SUNY Oneonta participates in Sexual Assault Awareness Month each April with a series of campus wide events to educate the campus community about ways to prevent violence, especially sexual assault and other VAWA crimes. Violence Prevention Week features a variety of activities for students, faculty, staff, and the larger community, culminating in Take Back the Night, the international event designed to raise awareness and promote the prevention of sexual

violence in all forms.

#### SUNY SPARC online program

The Sexual & Interpersonal violence Prevention and Response Course (SPARC) program and supplemental programs are used at SUNY Oneonta to educate all incoming students prior to orientation, about the assumptions and stereotypes associated with sexual violence, dating violence, domestic violence, stalking, and harassment. It also helps students understand the meaning of consent, how to help a friend, and how to intervene in a situation that might escalate to a sexual assault. The program also educates students on Title IX reporting and accommodations. Students who do not complete the program are prohibited from registering for classes.

#### Health 101

This is an outreach newsletter program to deliver periodic messages and content to students about sexual and interpersonal violence prevention, as well as other health related issues.

#### kNOW Violence

This is a committee that is charged with sustaining ongoing educational programs and campaigns regarding sexual and interpersonal violence. They conduct several programs per year and usually undertake one large scale campaign per year.

#### Green Dot training

Bystander intervention training was offered to student leaders, residence life staff, and to all student within residence halls who elected to participate. These trainings are offered on an ongoing basis.

#### Employee online education programs

All employees are required annually to complete four online education courses; preventing sexual misconduct, preventing discrimination and harassment, preventing workplace violence, and reporting child sexual abuse.

#### *Definitions*

New York State Law has clarified what is considered “consent” with regard to sexual activity. Sexual activity requires “affirmative consent” by all parties involved.

#### Definition of Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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 upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and, therefore, unable to consent.
- e) Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
- f) When consent is withdrawn or can no longer be given, sexual activity must stop.

***Underage persons cannot legally consent to sexual activity. The age of consent in NYS is 17.***

#### Crime Definitions – New York State

**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.

**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 16, 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.

**Family or Household Member:** Person’s related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

**Parent:** Natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**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.

**Sex Offenses; Lack of Consent:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**Sexual Misconduct:** When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the Third Degree:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than

17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the Second Degree:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the First Degree:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Criminal Sexual Act in the Third Degree:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal Sexual Act in the Second Degree:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal Sexual Act in the First Degree:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Forcible Touching:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

**Persistent Sexual Abuse:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Sexual Abuse in the Third Degree:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual Abuse in the Second Degree:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**Sexual Abuse in the First Degree:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**Aggravated Sexual Abuse in the Fourth Degree:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the

vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

**Aggravated Sexual Abuse in the Third Degree:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**Aggravated Sexual Abuse in the Second Degree:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

**Aggravated Sexual Abuse in the First Degree:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**Course of Sexual Conduct Against a Child in the Second Degree:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Course of Sexual Conduct Against a Child in the First Degree:** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

**Facilitating a Sex Offense with a Controlled Substance:** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

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

**Incest in the Second Degree:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the First Degree:** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a

person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

**Stalking in the Fourth Degree:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Stalking in the Third Degree:** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the Second Degree:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the First Degree:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Oneonta 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. SUNY Oneonta strongly encourages student to report incidents of domestic violence, dating violence, stalking or sexual assault to institutional 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 University officials or law enforcement will not be subject to SUNY Oneonta'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.

### ***Sex Offender Registry Information***

When the New York State Division of Criminal Justice Services (DCJS) notifies campus officials of the presence of a registered sex offender on campus, University Police will alert the campus community using the "timely warning" methods for criminal activity, in general or in a limited manner, as appropriate. This may include web notices, doorway signs, campus media, and e-mail messages. Warnings will indicate that a level 2 or level 3 sex offender is enrolled or employed at the university and will indicate that further information can be obtained at the DCJS website: [www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov). Information listed on the website may include name, address, physical description, crime of conviction, modus operandi, type of victim targeted, and special conditions imposed on parole.

### ***Missing Student Notification***

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify University Police at 607-436-3550. University Police will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by University Police in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, University Police will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the office of Residential and Community Life in conjunction with room selection or roommate preference data collection processes. This confidential contact information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

There is no waiting period for University Police to begin an investigation into a missing student report, but the university must notify the local law enforcement agency within 24 hours of making a determination that a student is missing. In addition, the university must notify within 24 hours the custodial parent(s) or guardian(s) of missing students under the age of 18 who are not emancipated.

### ***Daily Log***

The University Police also maintain a daily log of crimes and incidents that occur on campus that is available for the public to view. The information is recorded by date, time and general location, and disposition of the complaint. This daily log is available at the University Police

department, Alumni Hall, or can be viewed at [http://www.oneonta.edu/admin/police/pages/daily\\_reports.asp](http://www.oneonta.edu/admin/police/pages/daily_reports.asp). Please note that entries or updates are generally made within two business days after the event occurs. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. Sixty days' worth of activity is posted; more can be made available upon request.

While most events are logged, the office of the Chief of University Police, may determine that an incident be classified as "confidential" in order not to jeopardize a criminal investigation or the identity of a victim.

### ***Campus Crime Statistics***

In accordance with recent updates to the "Campus Safety Act," data are presented at the end of this report to review crime activity both on campus and on streets adjacent to campus property. This information can also be found at <http://ope.ed.gov/campussafety>. A map, which defines these areas, appears at the end of this report. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. There are no "on-campus student housing facilities" on the Cooperstown campus.

Two other categories are presented in this chart: "non-campus buildings or property" and "public property." The first category, non-campus buildings or property, includes properties owned by student organizations officially recognized by the institution and those owned by the university outside the campus boundaries that appear on the map at the end of this report. The offenses presented in this report include offenses reported by the Cooperstown Police Department at the Cooperstown Campus, which is comprised of the Cooperstown Graduate Program (one location) in Cooperstown, New York. The second category, public property, includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campus.

The section on campus crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As defined by the campus safety act, a disciplinary referral is an instance when a student is formally reported in writing to a university official for possible sanction.

As required by the Campus Safety Act, SUNY Oneonta is required to report hate crimes in this report. For this reporting, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

The crimes presented are based on reports filed with the following offices: University Police, Vice President for Student Affairs, Associate Vice President for Student Affairs, Director of Community Standards, Student Health Center, Office of Residential Community Life, Counseling Center, Director of Student Activities, Student Diversity and Advocacy, and Director of Athletics. Formal requests for crime statistics for areas defined as "public property" and "non-campus buildings and property" were made with the Cooperstown Police Department and the Otsego County Sheriff's Department, as well as the NY State Police.

### ***Unfounded Crimes***

A crime can only be unfounded if the report is found to be false or baseless. A crime is not considered unfounded if someone is found not guilty, not arrested, or not charged. Unfounding is an extreme and rare measure to be used when, using a reasonable investigative standard, sworn law enforcement believe that the reported crime did not happen. Only sworn/commissioned law

enforcement can “unfound” a crime. This does not include a district attorney.

### *Crime Definitions*

Unless otherwise noted:

- The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations, and liquor law violations are excerpted from the Federal Bureau of Investigations Uniform Crime Reporting Handbook (UCR) (PDF).
- The definitions for forcible and non-forcible sex offenses are excerpted from the FBI’s National Incident-Based Reporting System (NIBRS) edition of the Uniform Crime Reporting Program. The law defines both the behavior and physical nature of a sex offense and the lack of consent involved. In New York State, the age of consent is 17. These definitions include instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including from the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- The definitions for hate crime data collection are taken from the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection (PDF). Offenses include any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- The definitions for dating violence, domestic violence, and stalking are taken from Section 485(f) of the Higher Education Amendment, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013.

**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.

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

**Bias:** A preformed negative opinion or attitude toward a group of persons based on their race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity.

**Bias Crime:** A committed criminal offense that is motivated, in whole or in part, by the offender’s bias(es) against a race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity; also known as 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 felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

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

**Criminal Homicide, Negligent Manslaughter:** The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Dating Violence:** Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

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

**Domestic Violence:** The term includes felony or misdemeanor crimes of violence committed by

a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable 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.

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

**Fondling (forcible):** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Hate Crime:** Bias Crime.

**Hate Group:** An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity that differs from that of the members or the organization, e.g., the Ku Klux Klan, American Nazi Party.

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

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. This includes the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; attempts to commit any of the above.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Rape, Except Statutory Rape (forcible):** 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.

**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 or violence and/or by putting the victim in fear.

**Sex Offense:** 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.

**Sexual Assault with an Object (forcible):** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Sodomy (forcible):** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

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

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This includes the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; attempts to commit any of the above.

## ***CRIME STATISTICS***

Crime statistics for 2022 can also be found at: <http://ope.ed.gov/campussafety>

2022 Clery Statistics

Cooperstown Campus 2022 Clery Statistics

Offense	On-Campus	Non-Campus	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; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	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>				
	0	0	0	0

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.**

2021 Statistics

Cooperstown Campus 2021 Clery Statistics

Offense	On-Campus	Non-Campus	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; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	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>				
	0	0	0	0

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.**

2020 Statistics

Cooperstown Campus 2020 Clery Statistics

Offense	On-Campus	Non-Campus	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; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	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>				
	0	0	0	0

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.**

## **Appendix A**

### **Emergency Evacuation Procedures**

#### **Terms and Definitions:**

Evacuation Assembly Area (EAA)- an outside location at least 50 feet from the building, away from roads and walkways used by emergency vehicles.

Evacuation Site (ES)- a building in close proximity to the evacuated building that will provide protection from the weather or other elements in the case of a prolonged evacuation. The on-site incident commander, usually a University Police officer will determine if personnel should move from the Evacuation Assembly Area to the Evacuation Site. An Evacuation Site list is attached to this document.

#### **Procedures:**

Evacuation is required any time the fire alarm sounds, an evacuation announcement is made, or a university official orders you to evacuate a building to the Evacuation Assembly Area (EAA). When an evacuation occurs, departments should put their evacuation plan into effect. After the building has been evacuated, the building cannot be re-entered until University Police gives permission. The silencing of alarms is not the sole indicator that it is safe to re-enter.

Lecturers and Lab Supervisors should notify each class at the beginning of the semester of the designated evacuation plan. The department's plan should indicate a meeting place outside the building EEA as well as the designated ES. It is imperative that students know to stay together as a class while at the EAA or the ES. Everyone must be accounted for, and their names should be written down, or checked off an attendance roster. You cannot release students from the EAA or ES until University Police have given permission to do so.

#### **General Evacuation Procedures for Academic and Administrative Buildings**

- Quickly shutdown any hazardous operations or processes and render them safe.
- Notify others in the area of the alarm if they did not hear it while you are evacuating yourself.
- Exit the room.
- Take jackets or other clothing needed for protection from the weather.
- If possible close windows and doors as you leave, but do not lock the doors.
- If you are away from the class/lab room when the alarm sounds, you should exit the building immediately and not return to the room. You should meet the class at the EEA.
- Exit the building, walk to the nearest safe exit route (do not run). Do not use elevators.
- Move away from the building, report to the class/ labs designated EAA and meet with other persons from the class or lab. Wait at EAA for directions.
- Account for faculty, staff and students and write down their names while at the EAA. Report any missing or trapped people to the emergency responders. Keep existing groups together.
- Review with everyone the location of the Evacuation Site, should this have been an instance where you would have been required to go there.
- Do not reenter the building until University Police gives the "all clear" signal.

#### **Evacuation of Persons with Disabilities**

##### **Assisting Visually Impaired Persons**

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going, and any obstacles you encounter.
- When you reach safety, ask if further help is needed.

##### **Assisting People with Hearing Limitations**

- Turn lights on/off to gain the person's attention, or indicate directions with gestures, or write a note with evacuation directions.

#### Assisting People Using Crutches, Canes, or Walkers

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site if possible, or use a sturdy chair (or one with wheels) move the person to an enclosed stairwell, notify emergency crew of their location.

If you are unable to leave the building due to a physical disability:

- Go to the nearest stairwell.
- Use a telephone to call University Police 3550, or use other means to advise them of your location.
- If possible, signal out the window to on-site emergency responders.
- One person may remain with you if they wish to assist you.

The following buildings will be the designated Evacuation Sites (ES) when a prolonged building evacuation occurs as determined by University Police or the Incident Commander. The Emergency Communication Coordinator (designee) or Residence Hall Director (designee) will be present. Occupants will be sent to the emergency assembly spaces

#### Building with Emergency

Cooperstown Campus:  
Biological Field Station and  
Museum Studies Graduate  
Program

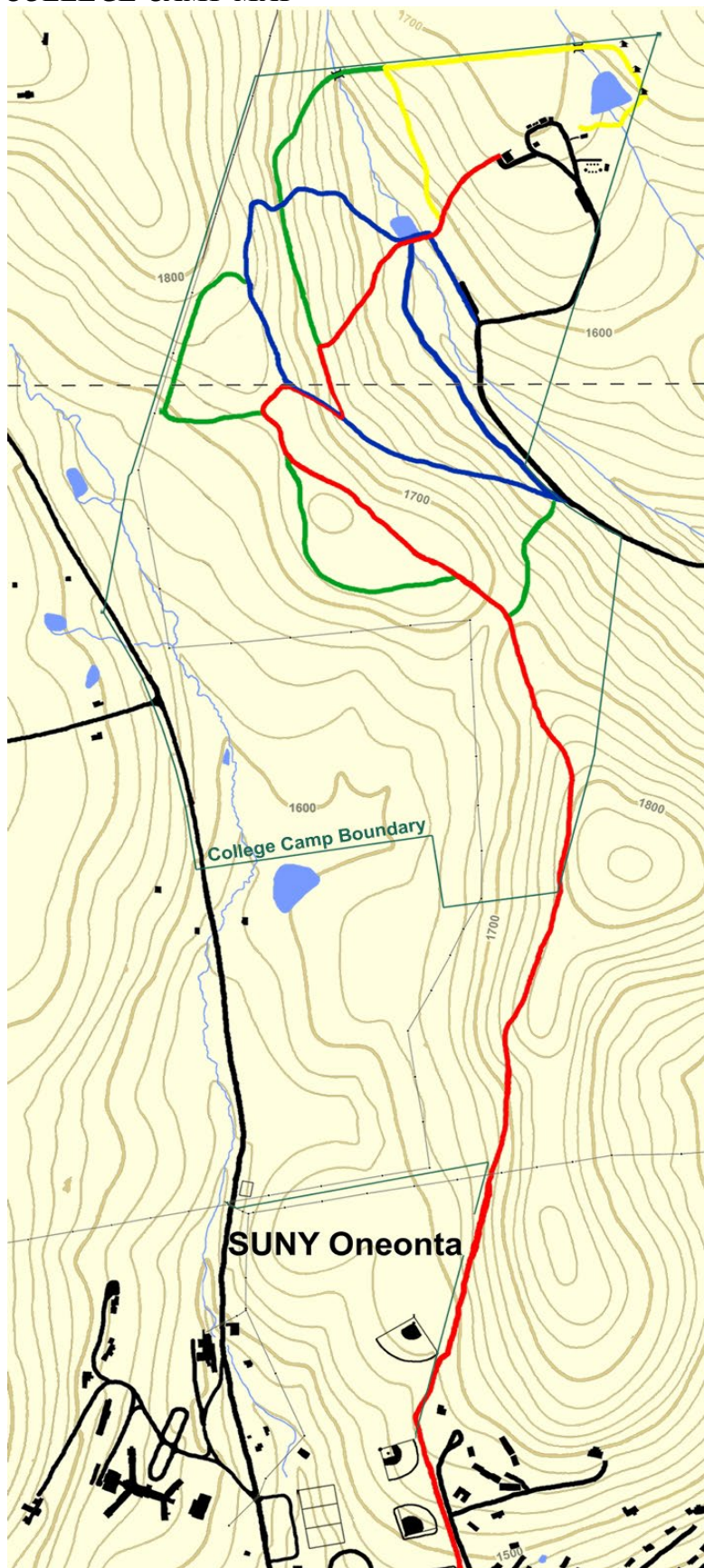
#### Evacuation site

Front Parking Lot

## MAIN CAMPUS MAP



## COLLEGE CAMP MAP



***BIOLOGICAL FIELD STATION AND COOPERSTOWN GRADUATE PROGRAM  
FACILITIES MAP***

