



Davis College Annual Security and
Fire Safety Report
2018-2019

Davis College
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This document is designed to inform the reader of Davis College's compliance with the Jeanne Clery Disclosure of Campus Security Act, Campus Security and Campus Crime Statistics Act, the Federal Campus Sex Crimes Prevention Act of 2002, the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, the Higher Education Opportunity Act of 2009, and Article 129-A & 129-B,

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Office of Campus Safety

To the students, faculty, staff and visitors of Davis College,

Welcome! We are committed to our vision of “Pursuing God.” Your safety and security while on campus are paramount to that vision. The College works to ensure the well-being of the Davis family and provide for a safe, secure campus.

This handbook provides information on safety and security policies and procedures of Davis and is available to students and employees. At Davis College, we are dedicated to ensuring the safety of our students and employees. Our Safety and Security team serves the campus by maintaining a safe and peaceful environment and providing for the following:

- Grounds and buildings patrolled by campus security, on foot.
- Residence halls locked and checked.
- Stop signs, crosswalks, and speed limits strategically placed to ensure the safety of both pedestrians and drivers.

We believe being aware of your surroundings is key to prevention. Davis has policies and procedures to help you know what to do if you experience a criminal act. Please take the time to review these policies and procedures.

Campus security committee is composed of Director of Facilities, Director of Student Support Services, 1 Faculty, 2 Students, and the Vice President of Academic Affairs. The committee meets once a semester. The committee will review the Campus Safety and Security Handbook and make changes to the handbook. Each student, faculty and staff has access to the Campus Safety and Security Handbook and the Student Handbook by online and through email.

We are pleased to welcome you to Davis College. We pledge to work with you in making your experience here safe and enjoyable.

Contact Information

- Office of Academic Affairs: 607.729.1581 ext. 405 or registrar@davisny.edu
- Campus Security: 607.729.1581 ext. 324

About Davis College

Davis College Mission

Davis College is a Bible-centered higher education institution committed to making an impact upon the world for Jesus Christ by the fostering of Christian character and the equipping of students with the knowledge, competencies, and skills needed in an ever-changing world for service and leadership within the church, Christian organizations and society.

Core Institutional Values

The following values are held and shared by the Davis College community as we strive for excellence in achieving our goals and objectives: A commitment to...

- The inerrancy, authority, and sufficiency of the Scriptures. Worship God and to pursue Christ-likeness in actions and attitudes.
- The practice of personal holiness, professional integrity and adherence to the highest spiritual and ethical standards.
- Respect the worth and dignity of all of human-kind and to create a college representative of our society's cultural, ethnic, and racial diversity.
- Foster a cooperative and caring community that encompasses staff, faculty, and students and develops the potential of each.
- Offer a relevant curriculum, quality instruction, serviceable facilities, and character-building activities for the personal and professional development of men and women called to serve in church and church-related ministries.
- An on-going assessment and planning process that will address current and future needs and developments that the programs of study offered will be practical and advance the kingdom of God worldwide.
- Compassionately minister to the church, society, and the world in general.

Davis College Covenant

- I will commit myself to grow in my knowledge and obedience to Christ and His Word.
- I will embrace the core values of Davis College and strive to carry out these values in my service to God and

humankind.

- I will maintain involvement in a local church, regularly worshiping and studying God's Word with a body of believers (Hebrews 10:25).
- I will follow the policies of Davis College and will treat the people and property of this community with respect and courtesy.
- I will tell the truth and my academic work will be my own.
- I will abstain from the possession and use of alcoholic beverages, illegal drugs, and tobacco products and I will not misuse prescription drugs, both on and off campus.
- I will be financially responsible to the college, paying my bills and working to support myself as necessary.
- I will keep my mind and body pure and free from any form of sexual sin, including pornography (Colossians 3:5).
- I will do my best in my academic work to please the Lord, so that I may be a "workman who does not need to be ashamed" (2 Timothy 2:15).
- I will conduct myself as a witness of Jesus, treating people with grace and kindness.
- I will appreciate the diversity of people at Davis College and will strive to model the love of Christ across lines of gender, race, culture and socio-economic status.
- I will respect the doctrinal beliefs of my peers and Davis College, and where I disagree I will not "sow discord among the brethren" (Proverbs 6:19). In essentials unity; in nonessentials liberty; and in all things charity.

Code of conduct – Ed.L. Secs. 6439 – 6443

Code of conduct means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated at Davis College.

Definition of Geography

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Non-Campus Building or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

Emergency Response and Evacuation Procedures

General Notification Procedures:

Davis College takes the safety and welfare of the students, faculty, staff and visitors very seriously. In the event of a property threatening or life-threatening situation, the proper community authorities (police/fire department) would be notified as well as the Davis College Safety Team. Davis College partners with local police agency (Johnson City Police Department) for any criminal, health or safety issues exceeding the limitations of the Security officers. Davis College also partners with the fire agency (Johnson City Fire Department) for situations requiring their assistance.

In the event of an emergency situation, Campus Security would notify the proper authorities through 911 giving as much information known at the time while requesting their assistance. Depending on the severity of the situation, Campus Security would notify the Director of Student Development and (or) the President alerting them of the current situation on campus and informing them of notifications made. From this alert to the Davis College Safety Team a decision will be made as to what notification is needed to those on campus.

Should outside police or fire authorities be summoned to campus, Campus Security will work to assist these agencies. The Davis College Safety Team will stay in communication with Campus Security and these authorities and keep students and staff updated regarding the situation. The options for mass notification instituted around campus is text messaging using the phone numbers that individuals have voluntarily signed up for. A campus wide E-mail distribution list has also been set up to notify students and staff of situations and while also giving them any needed directions. This communication would have some delay for actual contact but a small percentage would see this notification as well.

Once the authorities are on campus, Campus Security will work to assist these agencies. The Davis College Safety Team will stay in communication with Campus Security and these authorities to put out internal as well as external communications as needed.

Campus Security and Access

Main Campus: During business hours, the College (excluding residence halls) will be open to students, parents, employees, contractors, guests and invitees. During non-business hours access to the College facilities is by key, if issued, or by swipe card. Contractors are required to check-in to the Campus Security Booth at the main entrance of campus.

- Dorms: Chatlos and Patterson halls are secured 24 hours a day. Some residence halls are accessed by key only and others by swipe card only.
- Clements Hall: Clements Hall is only accessible with swipe card and code access.
- Mason Hall: Mason Hall is only accessible by code access.
- Phillips Hall: Phillips Hall is only accessible by key or code access.

Security Maintenance

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Davis College Campus Security regularly patrols the main campus and Chrisfield Campus reports malfunctioning lights and other unsafe conditions to facilities management for repair. Other members of the campus should promptly report equipment problems to Facilities Management.

Access to the campus facilities is available during the day but facilities are locked at night. The normal business hours of the campus are 8:30 AM to 4:30 PM. There are campus security officers making rounds on the Campus, securing all facilities, and they are also available for any security needs that may arise.

Policies regarding procedures to report crimes committed on campus, criminal actions or other emergencies and institution's response to such, in compliance with the Federal Bureau of Investigation's Uniform Crime Reporting System as amended by the Hate Crime Statistics Act and Title II of Public Law 101-542, as amended, in the Crime Awareness and Campus Security, Davis College annually prepares, publishes, and distributes any information to all current students and employees, and to any applicant for enrollment or employment, upon request.

Davis College provides a Student Life Coordinator for each. Student Life Coordinators collect information regarding criminal conduct or emergencies and present this information to Campus Security for necessary action.

Violence Against Women Reauthorization Act of 2013

Davis College prohibits the offenses of sexual harassment, domestic violence, dating violence, sexual assault and stalking (those terms are defined on pages 14 through 18) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Davis College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Davis College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by Davis College as well as federal law whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex-based discrimination, Davis College wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking,

whether the incident occurs on or off campus as well as your rights and Davis College's responsibilities.

As a complainant of sexual assault, dating violence, domestic violence or stalking, you will receive a written explanation of your rights and options. Davis College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures are explained in "Title IX Policy" and include information on your right to file criminal charges as well as the availability of medical, counseling and support services. We also offer additional remedies to prevent contact between a complainant and an accused party, such as temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available. The Title IX policy also addresses possible sanctions and interim and/or long-term protective measures that Davis College may impose following a report through the final determination of our discipline process. If you would like more information than is contained in this handout regarding any process or procedure, or if you'd like to make a report, ask questions about the Title IX policy, or need to request an accommodation to your living or working arrangements regardless of whether or not you chose to report the crime to law enforcement, or Campus Security, contact the Director of Student Development, Health Services or the Title IX Coordinator.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. All sexual misconduct complaints and grievances made under Title IX, including allegations of sexual violence, will be handled under this Policy.

Title IX Coordinator

The College's Title IX Coordinator is the Registrar, who can be reached by calling 670-729-1581 ext. 405, or by emailing svandeventer@davisny.edu. The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, including sexual assault;
- Knowledgeable and trained in relevant state and federal laws and the College's policies and procedures; Available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at the College, both informally and formally, and the courses of action available externally, including reports to law enforcement;
- Available to provide assistance to any College community member regarding how to respond appropriately to reports of sexual assault and harassment;
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- Responsible for compiling required reports.

Definitions

Bystander

Means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of Davis College.

The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and sanctions.

Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.

What can Bystanders do to make a difference here at Davis College?

- Believe someone who tells you they have been sexually assaulted, are in an abusive relationship or are experiencing stalking or cyberstalking.
- Watch out for your friends and classmates -- if you come across someone who looks like they are in trouble, check in with them and make sure they are ok. If you see a friend doing something sketchy -- say something.

- Intervene-when you see something you are uncomfortable with involving another person, or someone is trying to take advantage of another person, step in and take preventative action. IF you need further assistance, contact Campus Safety. If off campus, contact 911.
- Speak up -- if someone says something offensive, derogatory, racist or abusive, let them know that this behavior is wrong and not acceptable. Don't laugh at racist, sexist or homophobic jokes. How to protect yourself from being a victim
- Program Campus Safety number 607-729-1581 ext. 411 into your speed dial in case of an emergency
- Be cautious and alert
- Do not walk or run alone, use the "buddy" system
- Do not give out personal information such as your phone number, or address to someone you don't know or are newly acquainted with
- Be aware of your surroundings when you are walking across campus, to and from your vehicle, and in remote areas
- Do not meet up with someone in a remote location
- Know where the Blue Light boxes are located on campus for urgent Campus Safety assistance
- If you live on campus, do not prop residence hall entrance doors open
- Avoid using drugs or alcohol
- When you go to a social gathering, go with a group of friends. • Don't leave your drink unattended.
- Don't except drinks that are already open, or from people you don't know or trust.
- Watch out for friends and vice versa.
- If you suspect a friend has been drugged, contact Campus Safety. If off campus, contact law enforcement by calling 911.

Confidentiality

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

Privacy

May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials.

Accused

Means a person accused of a violation who has not yet entered Davis College's conduct process.

Respondent

Means a person accused of a violation ho has entered Davis College's conduct process.

Sexual Activity

Sexual activity has the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C.2246(2) and 18 U.S.C. 2246(3).

Sexual act means:

- a. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
- b. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- c. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

- d. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

Sexual contact means:

- a. “the intentional touching, either directly or through the clothing, of the genitalia, anus groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

Domestic Violence

Domestic Violence: a felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and sub section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and sub section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

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

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

- **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 of 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, slingshot, 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.

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

For the purposes of complying with the requirements of this section and sub section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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.

Rape

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim

- **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.

Sex Offenses

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. Fondling: The touching of the private body parts of another person for the sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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.

Criminal Homicide – Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide – Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

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.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

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.

Motor Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding).

Weapons: Carrying, Possessing, Etc.

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.

Larceny – Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another here neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

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

Destruction / Damage / Vandalism of Property

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

Section 6440

FERPA

What is it?

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a Federal law designed to protect the privacy of a student's education records. This federal law, known as the Buckley Amendment, was enacted to establish procedures for disclosing information contained in student records, to insure the privacy of these records for the student, to establish the rights of students to inspect their educational records and to provide guidelines for the correction of inaccurate data through informal and formal hearings. Davis College is in compliance with the FERPA guidelines.

The Act applies to students enrolled in higher education institutions as well as K–12 students. If a student is a minor (e.g., under the age of eighteen), the parents or legal guardians are afforded the rights. Only when the student has signed a written release giving their parent(s) or legal guardian access to their record is an institution allowed to release information from the student's education record to parents. The Act also applies to former students but does not apply to applicants for admissions.

According to the American Association of Collegiate Registrars and Admissions Officers the essence of the Act as it affects higher education students and institutions is:

College students must be permitted to inspect their own education records.

Institutions may not disclose information about students nor permit inspection of their records without written permission, unless such action is covered by certain exceptions permitted in the Act.

What is Davis College's Policy on FERPA

An education record is defined as a record maintained by an educational institution and includes information that makes a student personally identifiable. Davis College will permit students to inspect and review their education records. It will not disclose education records about students nor allow inspection of student records without a written request. Davis College will also release educational records to parents of students only upon receipt of a written request from both the student and parent. Davis College will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The college at its discretion may disclose directory information, but students may protect all or part of this data from disclosure. When an individual requests student information from Davis College, the college will respond in accordance with FERPA guidelines.

What information may an institution disclose?

There are two types of information distinguished under FERPA: personally identifiable information and directory information. Certain conditions exist with regards to disclosure of each kind of information.

Personally Identifiable Information

Davis College will not disclose personally identifiable information from the student's education records except with the written consent of the student. Examples of personally identifiable information are:

- The name of the student's parent or other family member
- The address of the student or student's family
- A personal identifier such as the student's Social Security Number or another student identifier
- Other information that would make the student's identity easily traceable

Prior consent, in the form of a signed and dated document, must be provided by the student to the Registrar's Office to authorize Davis College to disclose personally identifiable information. The consent:

- Must specify records that may be disclosed.
- Should state purpose of disclosure.
- Must identify party or class of parties to whom disclosure may be made.

Primary Exceptions

In relation to postsecondary institutions, prior consent is not required to disclose personally identifiable information:

- To a school official who has a legitimate educational interest.
- A school official is defined as administrative and clerical personnel, faculty, Board of Trustees, persons employed by or under contract to Davis to perform a special task, such as an attorney or auditor, and student workers performing assigned tasks.
- The school official has a “legitimate educational interest” if the official is acting in the student’s educational interest and needs the student record information for the effective functioning of his or her office position.
- To Federal, State and local authorities involving an audit or evaluation of compliance with education programs.
- In connection with financial aid (such as the administration or continuation of aid).
- To the student.
- To individuals or organizations conducting studies for or on behalf of an educational institution.
- To regional or professional accreditation organizations.

To parents of a dependent student (see “What Is It?” section).

To comply with a judicial order or subpoena. A reasonable effort must be made to notify the student beforehand—unless ordered by the subpoena not to do so.

In the event of a health or safety emergency where the information is required to resolve the emergency.

Data considered directory information, so long as the student has not previously requested nondisclosure of this information.

Data that is the result of a disciplinary hearing where the student is the perpetrator of a crime of violence or a non-forcible sex offense. Under this exception, information may be released to anyone, including the media. No information on the victim or witnesses may be released. Of a student under the age of 21 who has committed a drug or alcohol related offense (e.g., reporting the offense to the parents of the student).

Reporting Procedures

Authority and Jurisdiction

Campus Security personnel do not have police officer status, and do not have the power of arrest; however, Davis does have a long-established working relationship with local agencies. Since the College is located within Johnson City, the Johnson City Police Department serves as the primary jurisdictional authority responsible for the investigation of criminal matters occurring on campus.

Reporting

Accurate and prompt reporting of all crimes to Campus Security is encouraged through the use of a logbook, which records accidents, theft and incident reports. Appropriate police agencies are involved through the Director of Security. Cases involving more minor offenses such as petit theft, criminal mischief, trespass, disorderly conduct, vandalism, etc... are reported to the local police depending on the nature and seriousness of the offense, and joint investigative efforts are deployed to handle these matters. Regardless of the nature of the offense, individual perpetrators may be arrested and charged in accordance with state and local laws. Infractions involving College rules and regulations are promptly reported to the Office of Student Development for disciplinary actions.

How to Report

It is the policy of Davis College to provide immediate assistance to victims of sexual assault. The College encourages you to file a police report, however as a victim, you do have several options, noted below. You can pursue any or all options:

- **Report Incident to local law enforcement:** Law enforcement officers are trained in investigating sexual offenses and supporting victims reporting a sexual offense. With your permission, law enforcement officers have the authority to commence a criminal investigation and prosecution in sexual assault matters. It is standard operating procedure for Davis College and Campus Security to contact law enforcement in all cases of sexual assault, however, you have the option of personally filing a formal report, or not.
- **Report incident to the College Title IX Officer:** Individuals may consider reporting a sexual violence incident to the Davis College Title IX Officer. A Title IX Officer can provide assistance in addressing the incident through consultation, administrative review and/or formal investigation. The Davis College Title IX Officer can be reached by calling 607-729-1581ext. 311.
- **Seek counseling and emotional support:** Off campus counseling is available free of charge for Davis College students and can care for student's emotional well-being. Counselors can provide confidential support during a difficult period and afterward. Due to confidentiality, they will not report an incident without your consent, and they will not conduct an investigation. Talking to a counselor in a safe and supportive environment may help you to sort through your feelings and decide what to do. A counselor is on-call 24 hours per day at Crime Victims Assistance Center, Inc., they can be reached at 607-7224246. Off campus counseling is also available to students by calling 607-729-7777 or 607-239-5766.
- **Seek support through the Crime Victims Assistance Center, Inc.:** The Crime Victims Assistance Center, Inc., is a safe, welcoming environment for people who have been a victim of, or affected by, a crime. We provide free counseling to survivors as well as a 24-hour crisis line and advocacy program. We educate our community and provide care with compassion. Their crisis line number is 607-722-4256, you can also text at 607-725-8196.
- **Seek assistance from the New York State Police Campus Sexual Assault Victims Unit (CSAVU):** The New York State Police have established a dedicated hotline for reporting sexual assaults on college campuses. (1-844-845-7269) This hotline is staffed by New York State Police Sergeants and Communication Specialists working from Troop C-SP Headquarters in Homer, New York. They handle inquiries to the hotline and provide assistance to callers. These same reporting options are available for bystanders. The College strongly encourages bystanders to step up on behalf of another person's well-being when it is safe to do so.
- **Seek support from A New Hope Center:** The New Hope Center's mission is to help survivors see their choices, provide a safe non-judgmental environment, and to educate and inspire the community. They can be reached at 1-800-696-7600 or 607-687-6866 or text 607-972-1996.

What to do if you are a Victim of Sexual Misconduct

A person who experiences sexual violence will have a number of options for recourse against the accused individual: to make a report on campus, to make a report to law enforcement, to do both or to do neither. First and foremost, the College wants you to get the immediate help you need by following these procedures immediately:

- Go to a safe place. Call a friend, a campus advocate, a family member or someone else you trust and ask her or him to be with you.
- Go immediately to see medical personnel either at Health Services or a local hospital Emergency Department. An individual considering campus and/or law enforcement options against a Respondent should visit a Sexual Assault Forensic Examiner (SAFE) Nurse (also referred to as a Sexual Assault Nurse Examiner) within 96 hours of the incident.
- Do not shower, bathe, douche, or brush teeth, and save all clothing worn at the time of the assault.
- Place each item of clothing in a separate paper bag. Do not use plastic bags.
- Do not disturb anything in the area where the assault occurred.
- Talk confidentially with a counselor who is trained to assist victims with the emotional and physical impacts of an assault and/or sexual harassment. See contact information for confidential on- and off-campus resources

listed below.

- The College encourages victims to contact appropriate authorities as soon as that individual is prepared to make a report of the incident, including:
- The Title IX Coordinator at 607-729-1581 ext. 311 or emailing npost@davinsy.edu;
- Campus Security by calling 607-729-1581 ext. 411; or on-campus extension 411
- Local law enforcement by dialing 911;
- New York State Police's 24/7 hotline staffed by specially-trained responders at 1.844.845.7269

Preserving Evidence

Although it may be difficult following a sexual assault, individuals who are considering or may consider legal action should take certain initial steps in order to preserve the option to pursue any type of criminal charges or campus disciplinary process:

- It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order.
- In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators or law enforcement.
- Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or college officials at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Notification of Missing Students

General Requirement:

Federal law under (34 CFR 668.46) requires that an institution that provides on-campus student housing facilities must include a statement of policy and procedures regarding missing student notification. The following statement will help fulfill this requirement and provide important information on how the campus community should respond. Students living on campus have the option to register a confidential contact person to be notified in the event a student is determined to be missing. Only authorized campus officials and law enforcement officers may have access to this information in the course of an investigation. Parents of dependent students under age of 18 will be notified.

Emergency Calls

- Emergency numbers operate 24-hours-a-day.
- Johnson City Police Department - 607.729.9321
- Johnson City Fire Department – 607.797.2311
- Campus Security contact: 607.729.1581 ext. 411 or
- For emergencies requiring police, ambulance and or the fire department: 911

Non-Emergency Calls

The campus switchboard can be reached by dialing "0" from any campus phone or 607.729.1581 from off-campus, Monday through Friday 8 a.m.—5 p.m.

Contact the receptionist by dialing 607-729-1581 from off-campus during business hours please dial 607-729-1581 ext. 411. Have the following information available:

- Individual's name
- Nature of accident or injury
- Exact location

Does nature of accident or injury appear to threaten life, limb or eyesight? If yes, please dial "911."

Campus Alert

In the event it becomes necessary to make a campus-wide notification due to an emergency or dangerous situation involving an immediate threat to health or safety of students and employees, the College will without delay initiate the Emergency Notification System. This procedure will be used unless issuing the notification will, in the professional judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Emergency Notification Procedures may be initiated by but are not limited to notifications for campus closings or delays due to inclement weather (blizzards, tornados, floods, etc...), campus-wide power failures, building evacuations, fires/explosions, contagions, and potential or actual acts of violence on campus. Dangerous or threatening situations should be reported to:

- Office of Student Development 607.729.1581 ext. 315 or 311
- Campus Security 607-729-1581 ext. 411

Provide the nature of the emergency or threat, time, location, and any other relevant information pertaining to the situation. In circumstances where an immediate alert is not required, notifications will typically be limited to use of campus-wide e-mail. These less-threatening situations could include reports of vandalism, thefts from vehicles or other suspicious activity where it may be prudent to alert the campus population to take precautions to prevent further incidents. Notifications will be transmitted by the following means:

- Campus wide email notification or text message to employees and students
- Person-to-person notification by the placement of security personnel at key areas located throughout campus. Notifications to the surrounding community will be made by the President.

In conjunction with the local authorities we have set up a plan in case of any gunman on campus or suspicious people. If you see anything suspicious please call Security at 607-729-1581 ext. 411 or 911.

Timely Warnings

Students, faculty, staff, community members and guests are encouraged to report all crimes and public safety related incidents to Campus Safety in a timely manner to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. In the event of a serious incident which may pose an on-going threat to members of the College community, an email / text message is sent to all faculty, staff and students. The alerts are generally written and distributed to the campus community by the Director of Student Development or the President.

Alerts and updates sent to the Davis College community about any particular case may be distributed via blast email or text message, and posted on the Davis College website. Safety and Security Alert posters may also be posted by Campus Safety in campus buildings when deemed necessary. When Safety and Security Alerts are posted in campus buildings, they are posted in the main entrance area of affected building(s). Safety and Security Alerts are usually distributed for the Uniform Crime Reporting Program (UCR/National Incident Based Reporting System-NIBRS) classifications: arson, criminal homicide and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing threat to the campus community. Safety and Security Alerts may also be issued for other crime classifications, as deemed necessary.

Notification to Victims of Crimes of Violence

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the

alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Equal Opportunity/Non-Discrimination Policy

Davis College admits students of any race, color or national and ethnic origin to all the rights, privileges and programs of the institution. It does not discriminate on the basis of race, color, national or ethnic origin, physical or mental disability, gender or age in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic or other school-sponsored programs.

Davis College reserves the right to operate as a church-related institution and develop policies consistent with biblical principles and the religious tenets of its constituency churches. In keeping with biblical directives regarding gender in pastoral authority, only men will be admitted to the Pastoral concentration. Only women may enroll in Women's Ministries courses. Only men may take Homiletics and Homiletics Lab, and only women may take Ministry Communication for Women, since the presentation of student messages in these courses involves the exercise of spiritual authority.

Believing that all human beings are of equal value in the eyes of God, Davis College deplores discrimination and insensitivity based on differences in race, gender, age, socioeconomic status, physical or mental disability, or cultural differences. Attempts at humor which aim to elicit laughter at the expense of individuals based on these differences is considered to be a form of discrimination that is not acceptable in the Christian community.

The college is seriously concerned about allegations of discrimination and therefore encourages the reporting of such misconduct. Copies of Davis College's complete policy regarding Equal Opportunity and Non-Discrimination are available in the OSD.

The provisions of this article shall apply regardless of whether the violation occurs on campus, off campus, or while studying abroad

Affirmative Consent

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

- 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.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/ or alcohol.
- Consent may be initially given but withdrawn at any time. Individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, pressuring, force or threat of harm, or by taking advantage of the incapacitation of another individual.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- New York state law establishes that an individual less than 17 years old is incapable of consent.

Consent, Abbreviated: Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

Policy for Alcohol and/or Drug Use Amnesty - Section 6442

The health and safety of every student at Davis College is of utmost importance. Davis College recognizes that students

who have been drinking and or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their on conduct. Davis College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Davis College's officials or law enforcement will not be subject to Davis College's code of conduct action for violations of alcohol and/or drug use polices occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Students Bill of Rights

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

The State University of New York and Davis College 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 College/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:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
- 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;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- 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;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution; and
- Discuss and share information related to the complaint with others that may support them or assist them in presenting their case.

Response to Reports – Section 6444

1. Davis College shall ensure that reporting individuals are advised of their right to:

- a. Notify campus safety 607.729.1581 ext. 411, local law enforcement Johnson City Police Department 607.729.9321 and /or state police 24-hour hotline 1.844.845.7269 and/or dial 911
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities.
 - b. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed.
 - c. Disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
 - d. Disclose confidentially the incident and obtain services from the state of local government;
 - e. Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
 - f. File a report of sexual assault, domestic violence dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with institution policy and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy;
 - g. Disclose, if the accused is an employee of the institution, the incident to the institution's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority;
 - h. Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court; and
 - i. Withdraw a complaint or involvement from the institution process at any time.
2. Davis College shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to an institution representative, the following information shall be presented to the reporting individual: "You have the right to make a report to campus safety, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."
 3. Every institution shall ensure that reporting individuals have information about resources, including intervention, mental health counseling, and medical services, which shall include information on whether such resources are available at no cost or for a fee. Every institution shall also provide information on sexually transmitted infection, sexual assault forensic examinations, and resources available through New York state office of victim services, established pursuant to section six hundred twenty-two of the executive law.
 4. Every institution shall ensure that individuals are provided the following protections and accommodations:
 - a. When the accused or respondent is a student, to have the institution issue a "no contact order" consistent with institution policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual;
 - b. To be assisted by the institution's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order.
 - c. To receive a copy of the order of protection or equivalent when received by an institution and have an

- opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;
- d. To do an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
 - e. To receive assistance from campus safety in effecting an arrest when an individual violates an order of protection or, if campus safety does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such an order, provided that nothing in this article shall limit current law enforcement jurisdiction and procedures;
 - f. When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with this article and the institution's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;
 - g. When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution;
 - h. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with the institution's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.
5. Every institution shall ensure that every student be afforded the following rights:
- a. The right to request that student conduct charges be filed against the accused in proceedings governed by this article and the procedures established by the institution's rules.
 - b. The right to a process in all student judicial or conduct cases, where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, that includes, at a minimum;
 - Notice to a respondent describing the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanction;
 - An opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recoding or other appropriate record; and
 - Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a respondent and reporting individual in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any right provided to a reporting individual must be similarly provided to a respondent and any rights provided to a respondent must be similarly provided to a reporting individual.
 - c. Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:
 - For the respondent, accused, and reporting individual to 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. Rules for participation of such advisor shall be established in the code of conduct.

- To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartially, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made pursuant to the provisions of this article and the institution’s policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
 - To an investigation an process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.
 - To have the institution’s judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.
 - To review an present available evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the conduct case, consistent with institution policies and procedures.
 - To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - To receive written or elcetronic notice, provided in advance pursuant to the college or university policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
 - To make impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
 - To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.
 - To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.
 - To choose whether to disclose or discuss the outcome of a conduct or judicial process.
 - To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
6. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to compete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the

suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

7. Institutions that lack appropriate on-campus resources or services shall, to the extent practicable, enter into memoranda of understanding, agreements or collaborative partnerships with existing community-based organizations, including rape-crisis centers and domestic violence shelters and assistance organizations, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, which may also include resources and services for the respondent.
8. Institutions shall, to the extent practicable, ensure that students have access to a sexual assault forensic examination by employing the use of a sexual assault nurse examiner in their campus health center or entering into memoranda of understanding or agreements with a least one local health care facility to provide such a service.
9. Nothing in this article shall be deemed to diminish the rights of any member of the institution's community under any applicable collective bargaining agreement.

Campus Climate Assessments – Section 6445

1. Every institution shall conduct, no less than every other year, a campus climate assessment to ascertain general awareness and knowledge of the provisions of this article, including student experience with and knowledge of reporting and college adjudicatory processes, which shall be developed using standard and commonly recognized research methods.
2. The assessments shall include questions covering, but not be limited to the following:
 - a. the Title IX Coordinator's role;
 - b. campus policies and procedures addressing sexual assault;
 - c. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
 - d. the availability of resource on and off campus, such as counseling, health and academic assistance;
 - e. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking or sexual assault on and off campus during a set time period;
 - f. bystander attitudes and behavior;
 - g. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
 - h. the general awareness of the difference, if any, between the institution's policies and the penal law; and
 - i. general awareness of the definition of affirmative consent.
3. Every institution shall take steps to ensure that answers to such assessments remain anonymous and that no individual is identified. Institutions shall publish results of the surveys on their website provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual shall be shared.
4. Information discovered or produced as a result of complying with this section shall not be subject to discovery or admitted into evidence in any federal or state court proceeding or considered for other purposes in any action for damages brought by a private party against an institution, unless, in the discretion of the court, any such information is deemed to be material to the underlying claim or defense.

Options for Confidential Disclosure – Section 6446

1. In accordance with this article, every institution shall ensure that reporting individuals have the following:
 - a. Information regarding privileged and confidential resource they may contract regarding domestic violence, dating violence, stalking or sexual assault;
 - b. Information about counselors and advocates they may contact regarding domestic violence, dating

violence, stalking, or sexual assault;

- c. A plain language explanation of confidentiality which shall, at a minimum, include the following provision:

“Even Davis College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.”:

- d. Information about how the institution shall weigh a request for confidentiality and respond to such a request. Such information shall, at a minimum, include that if a reporting individual discloses an incident to an institution employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh the request against the institution’s obligation to provide a safe, non-discriminatory environment for all members of its community. The institution shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices;
- e. Information about public awareness and advocacy events, including guarantees that if an individual discloses information through public awareness event such as candlelight vigils, protests, or other public event, the institution is not obligated to begin an investigation based on such information. The institution may use the information provided at such an event to inform its efforts for additional education and prevention efforts;
- f. Information about existing and available methods to anonymously disclose including, but not limited to information on relevant confidential hotlines provided by New York state agencies and not-for-profit entities;
- g. Information regarding institutional crime reporting including, but not limited to: reports of certain crimes occurring in specific geographic locations that shall be included in the institution’s annual security report pursuant to the Clery Act, 20 U.S.C. 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual; that the institution is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual; that a reporting individual shall not be identified in a timely warning; that the Family Educational Rights and Privacy Act, 20 U.S.C 1232g, allows institutions to share information with parent when
- There is a health or safety emergency, or
 - When the student is a dependent on either parent’s prior year federal income tax return; and that generally, the institution shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.
2. The institution may take proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, stalking or sexual assault in a general way that does not identify those who disclose or the information disclosed.
3. If the institution determines that an investigation is required, it shall notify the reporting individuals and take immediate action as necessary to protect and assist them.
4. The institution should seek consent form reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless the institution determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Honoring such a request may limit the institution’s ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:
- a. Whether the accused has a history of violent behavior or is a repeat offender;
- b. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;

- c. The increased risk that the accused will commit additional acts of violence;
- d. Whether the accused used a weapon or force;
- e. Whether the reporting individual is a minor; and
- f. Whether the institution possess other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

Student Onboarding and Ongoing Education – Section 6447

1. Every institution shall adopt a comprehensive student onboarding and ongoing education campaign to educate members of the institution's community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act as amended by the Violence Against Women Act reauthorization of 2013, 20 U.S.C. 1092(f).
2. Included in this campaign shall be a requirement that all new first-year and transfer students shall, during the course of their onboarding to their respective institution, receive training on the following topics, using a method and manner appropriate to the institutional culture of each institution:
 - a. The institution prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution:
 - b. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking confidentiality, privacy and consent;
 - c. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
 - d. The role of the Title IX Coordinator or campus security, and other relevant offices that address domestic violence, dating violence, stalking and sexual assault prevention and response;
 - e. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
 - f. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
 - g. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and
 - h. Consequences and sanctions for individuals who commit these crimes and code of conduct violations.
3. Every institution shall train all new students, whether first-year, or transfer, undergraduate, graduate, or professional.
4. Every institution shall use multiple methods to educate students about violence prevention and shall share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.
5. Every institution shall offer to all students general and specific training in domestic violence, dating violence, stalking and sexual assault prevention and shall conduct a campaign that complies with the Violence Against Women Act, 20 U.S.C. 1092(f), to educate the student population. They shall, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees, leaders and officers of registered or recognized student organizations, and online and distance education students. They shall also provide specific training to members of groups that the institution identifies as high-risk populations.
6. Every institution shall require that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training on domestic violence, dating violence, stalking or sexual assault prevention prior to receiving recognition or

registration, and each institution shall require that each student athlete complete training on domestic violence, dating violence, stalking or sexual assault prevention prior to participating in intercollegiate athletic competition.

7. Every institution must regularly assess programs and policies established pursuant to this article to determine effectiveness and relevance for students.

Privacy Legal Challenges – Section 6448

Pursuant to subdivision (i) of rule three thousand sixteen of the civil practice law and rules, in any proceeding brought against an institution which seeks to vacate or modify a finding that a student was responsible for violating an institution's rules regarding a violation covered by this article, the name and identifying biographical information of any student shall be presumptively confidential and shall not be included in the pleadings and other papers from such proceeding absent a waiver or cause shown as determined by the court. Such witnesses shall be identified only as numbered witnesses. If such a name or identifying biographical information appears in a pleading or paper filed in such a proceeding, the court, absent such a waiver or cause shown, shall direct the clerk of the court to redact such name and identifying biographical information and so advise the parties.

Reporting Aggregate Data to the Department – Section 6449

1. Institutions shall annually report to the department the following information about reports of domestic violence, dating violence, stalking and sexual assault;
 - a. The number of such incidents that were reported to the Title IX Coordinator.
 - b. Of those incidents in paragraph a of this subdivision, the number of reporting individuals who sought the institution's judicial or conduct process.
 - c. Of those reporting individuals in paragraph b of this subdivision, the number of cases processed through the institution's judicial or conduct process.
 - d. Of those cases in paragraph c of this subdivision, the number of respondents who were found responsible through the institution's judicial or conduct process.
 - e. Of those cases in paragraph c of this subdivision, the number of respondents who were found not responsible through the institution's judicial or conduct process.
 - f. A description of the final sanctions imposed by the institution for each incident for which a respondent was found responsible, as provided in paragraph d of this subdivision, through the institution's judicial or conduct process.
 - g. The number of cases in the institution's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from the institution and declined to complete the disciplinary process.
 - h. The number of cases in the institution's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.
2. The department shall create a reporting mechanism for institutions to efficiently and uniformly provide the information outlined in subdivision one of this section.
3. The department shall not release the information, as provided for in this section, if it would compromise the confidentiality of reporting individuals or any other party in the best judgement of the department.
4. Within one year of the effective date of this article, the department shall issue regulations in consultation with representatives from the state university of New York, city university of New York, and private and independent colleges and universities, and within two years of the effective date of this article the department shall issue a report to the governor, the temporary president of the senate, the speaker of the assembly and the chairs of the higher education committees in each house regarding the data collected pursuant to this section.

Services Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Davis College will provide

written notification to students and employees about existing assistance and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. The recourses include the following:

On Campus

Visa and Immigration Assistance

For international students, the first point of contact will be the Registrar who can be reached at 607-729-1581 ext. 405.

Student Financial Aid

The Office of the Registrar can offer assistance and information regarding student financial aid. The office can be reached by calling 607-729-1581 ext. 405.

Off Campus

Counseling Counselors and Advocates - Members of the College community may contact any of the following local resources for confidential support:

- Crime Victims Assistance Center Inc. is available 24 hours/day, confidential crisis hotline: 607-722-4256, 24 hour advocacy, free and confidential counseling as well as a sexual response team.
- A New Hope Center offers counseling, support groups, advocacy/accompaniment, Family Court petitions, information regarding rights and options, safe shelter, community education, Referrals and follow-up. crisis intervention, emergency shelter for women and children, counseling, support groups and a 24-hour hotline and can be reached at 1-800-696-7600.

Health

Medical Care - Individuals who have experienced sexual violence should visit the Health Services, a local Emergency Department or the local medical provider of their choice for confidential emergency care, whether or not they have any intention of pursuing an on-campus complaint or complaint with local law enforcement. An individual considering campus and/or law enforcement options against a Respondent (accused individual) should visit a Sexual Assault Forensic Examiner (SAFE) Nurse (also referred to as a Sexual Assault Nurse Examiner). SAFE Nurses provide free medical care for victims of sexual assault, and are specially trained in conducting sexual assault exams and collecting and preserving forensic evidence of the assault for possible prosecution of the assailant. Options for seeking medical care include:

- Wilson Memorial Regional Medical Center proceed directly to the Emergency Department at (35-57 Harrison St., Johnson City, NY 13790), which has a Sexual Assault Forensic Examination (SAFE) Center; or
- proceed directly to the Emergency Department at Lourdes Hospital (169 Riverside Dr. Binghamton, NY 13905 / 607-798-5111) to access a SAFE Nurse; or
- Binghamton General Hospital (10-42 Mitchell Ave Binghamton, NY 13903 / 607-762-2200) to access a SAFE or
- call 911 for an ambulance.

A medical exam conducted by a SAFE Nurse (commonly referred to as a “rape kit”) has two goals: (1) to diagnose and treat the full extent of any injury or physical effect and (2) to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, sexually transmitted infections (“STIs”); a vaginal examination; examining for injuries; and drawing blood. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Gathering such evidence does not commit an individual to pursue legal action against the assailant, but is important for preserving that option.

If you suspect that you may have been given a rape drug, inform the hospital or clinic where you receive medical care and/or ask to provide a urine sample. Rape drugs, such as Rohypnol and GHB, are more likely to be detected in urine than in blood.

Hospitals are not required to report non-identifying information to the College or anyone else. However, hospitals providing care to individuals reporting sexual assault are required to:

- collect and maintain the chain of custody of sexual assault evidence for not less than 30 days unless the

patient signs a statement directing the hospital not to collect it;

- advise the individual seeking medical treatment related to sexual assault of the availability of local rape crisis services or victim assistance organizations to accompany the individual through the sexual offense exam;
- medical services to individuals reporting sexual assault who request such coordination and services; and
- provide emergency contraception upon the patient's request.

Even if an individual who has experienced sexual violence does not have injuries requiring emergency attention, the College encourages that individual to seek medical care as soon as possible.

Most health care providers will encourage an individual seeking medical treatment related to a sexual assault to authorize collection of evidence. (Note: If the individual has not been seen by medical personnel at the time a report is received, the individual will be immediately advised to do so. The College will provide transportation, if needed.)

Be aware that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims for health care and counseling services, including emergency compensation. More information may be found at: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

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

Victim Advocacy

The following agencies also provide assistance to individuals who pursue criminal complaints:

- Crime Victims Assistance Center, Inc.: 607-722-4256
- A New Hope Center 607-687-6866
- Rise: 607-754-4340

To learn more about these programs, visit the website for the New York State Office of Victim Services (<http://www.ovs.ny.gov/>), which funds local victim assistance programs.

Legal Assistance

The Legal Aid Society of Mid-New York: 607-231-5900 (<http://www.lasmny.org/>)

Visa and Immigration Assistance

Contact the Department of Homeland Security, Immigration Customs Enforcement, Student and Exchange Visitor Program, 500 12th Street, SW Stop 5600, Washington, D.C. 20536-5600 or call the SEVP Response Center at 703.603.3400.

Student Financial Aid

For information regarding financial aid, contact the Office of Postsecondary Access, Support and Success, New York State Education Department, Room 505W, Education Building, Albany, NY 12234 or by calling 518.474.3719.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network <http://www.ovv.usdoj.gov/sexassault.htm> - Department of Justice <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

Hotline and New York State Numbers

Agency	Telephone Number
Addiction Center of Broome County	607.723.7308
Alcohol Abuse Hotline	800.252.2557
Alcoholics Anonymous	607.722.5983
A New Hope Center	607.722.4256
Broome County District Attorney	607.778.2198
Broome County Drug Awareness Center	607.778.1251
Crime Victims Assistance Center Crisis / Hotline	607.722.4256
Crime Victims Assistance Center - Text	607.725.8196
Drug Abuse Information Line	800.522.5353
First Call for Help	607.729.9100
New Horizons Addiction Treatment Program	607.762.2171
New York State Domestic Violence 24 Hour Hotline	607.762.2200
Rape, Abuse & Incest National Network (RAINN)	800.656.4673
Southern Tier Drug Abuse Treatment Center	607.729.4983