



**SEXUAL ASSAULT AND BIAS-RELATED CRIME PREVENTION
POLICIES AND PROCEDURES PAMPHLET**

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CRIME PREVENTION

The purpose of this pamphlet is to explain to the College Community New York College of Health Professions' ("New York College" or "the College") policies and procedures related to sexual offenses and other criminal behavior on campus, including bias-related/hate crimes.

This pamphlet is being issued in compliance with New York State Education Law, Art. 129-a, Sections 6450, 6430 and with the Federal Campus Crime Awareness and Campus Security Act of 1991 (public law 101-542, as amended by Public Law 102-26). The Advisory Committee on Campus Safety will provide, upon request, all campus crime statistics as reported to the United States Department of Education, www.ope.ed.gov/security. To request this information, contact the Dean of Students at (516) 364-0808.

At New York College, there is a commitment to the dignity and unique value of each member of the College community. There is also a commitment to the creation of a civil, safe, and just environment, in which each person can work, learn, and develop to his/her fullest potential. The following policies and procedures have been created to foster such an environment and are subject to regular review.

SEX OFFENSES AND LEGAL CONSEQUENCES

As defined in Section 103 of the New York State Penal Code, sexual offenses which may be deemed criminal behavior include:

- Sexual misconduct
- Rape
- Sodomy
- Sex Abuse
- Aggravated Sex Abuse

New York State Penal Code imposes penalties ranging from fines through imprisonment for the above sex offenses. If a violation of law occurs on campus it is also a violation of College regulations, and the College may institute

proceeding against the offender(s). Such action by the College is independent of and may proceed in parallel with civil or criminal action.

Acquaintance Rape: Sexual assault that occurs between people who know each other) is far more common on college campuses than stranger rape.

Acquaintance rape is as serious as any other form of rape.

Sexual Abuse and/or Assault/ Rape: No student shall engage in sexual conduct with another person without effective consent. This includes, but is not limited to non-consensual sexual contact and attempted non-consensual sexual contact. An individual CANNOT GIVE EFFECTIVE CONSENT who is under the age of 17, physically helpless, mentally incapacitated, severely impaired and/or incapacitated because of drug or alcohol intoxication.

If any student or employee believes he or she has been subjected to one of these acts on campus, that person has the right to press criminal charges against the actor. The police would conduct the investigation of these allegations, and the judicial authorities would impose penalties. These penalties may include imprisonment. The College reserves the right to conduct its own investigation and determine whether the charges are valid and what, if any, penalty should be imposed. If criminal charges are lodged and are later dismissed, or if the defendant is found guilty, the College reserves the right to make an independent judgment about the continued enrollment or employment of the defendant, based upon consideration of the overall well-being of the College Community.

BIAS / HATE CRIMES

In compliance with Section 6436 of the Education Law, New York College maintains the following policies and procedures: All actions against persons or property which may be considered bias crimes are unequivocally prohibited at all

times at the College or at any College sponsored activities. Bias crimes also called hate crimes or bias-related crimes may be defined as any form of unlawful harassment or other harmful behavior such as assault which is based on an individual's sex, race, national origin, disability, veteran status, or on any individual's status in any group or class protected by applicable federal, state, or local law. The criminal activity is motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics as enumerated above.

The Hate/Bias Crime Reporting Act did not make hate crimes a new category of crime, but rather mandated that all crimes that are judged to be based on racial, religious, ethnic, sexual – orientation, or disability biases must be reported both as hate/bias crimes and under their normal offence categories.

The penalties for committing such crimes will include reporting the incident to the appropriate authorities so that an independent investigation can be conducted. A hate crime is classified as a violent felony offense. The College will also undertake an investigation of the incident, in keeping with the guidelines published in the Student Handbooks. The procedures for dealing with bias related crimes will be the same as those outlined in the Campus Security Report. Counseling and support services for victims of bias related crime will be provided or an appropriate referral made to outside agencies.

REPORTING SEXUAL ASSAULT OR BIAS-RELATED CRIME

It is the responsibility of all members of the College community to report incidents of sexual assault or bias-related crimes. Anyone who is aware that a crime has been committed at the College, or believes that a crime is about to be committed should report it immediately.

All students are encouraged to read the Campus Security Report, including Campus Security Policies and Procedures found in the Student

Handbook. The Campus Security Policies and Procedures include the College's procedures in effect for reporting criminal activity including sex based and bias related offenses.

PROGRAMS DESIGNED TO INFORM STUDENTS AND EMPLOYEES ABOUT CAMPUS SECURITY POLICIES AND PROCEDURES

Student orientation, which is required for all new students, incorporates a comprehensive discussion on campus security, sexual assault, bias-related crimes, sexual and other forms of harassment/discrimination. A copy of this pamphlet is distributed and reporting procedures are discussed. The College's website provides a link to the most current form of this pamphlet for all to download as well.

Newly hired employees are informed about these matters at the time of hire. Changes and improvements made in campus security policies and procedures are distributed to all students and faculty/employees in the student/employee mailboxes, or if appropriate, by email notification or by postings on the College's website.

COUNSELING & SUPPORT SERVICES

The College has a listing of referrals for professionals and organizations that can assist in individual counseling. Information can be sought from the Dean of Students or the Director of Human Resources.