



**OVERVIEW:** Important campus safety and security issues including crime prevention and reporting information, University Police responsibilities and recent crime statistics.

**OFFICE/DEPARTMENT RESPONSIBLE:** University Police, (585) 395-2226

**DATE UPDATED:** September, 2011

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This report is filed as required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, hereafter referred to as the Clery Act. The purpose of this report is to provide The College at Brockport faculty, staff and students with campus safety information, including crime statistics and procedures to follow to report a crime. Any questions regarding this report should be directed to the Office of the Vice President for Enrollment Management and Student Affairs, (585) 395-2137.

The Campus Fire Safety Report is published as a separate document and may be accessed at the following link: [http://www.brockport.edu/policies/docs/heoa\\_fire\\_safety\\_report.pdf](http://www.brockport.edu/policies/docs/heoa_fire_safety_report.pdf)

A printed copy may also be requested by contacting the Office of Environmental Health and Safety at (585)395-2005.

### **General Security Information**

In 2010 – 2011, 7,297 undergraduates and 1,292 graduate students were enrolled at the State University of New York College at Brockport. More than 2,800 undergraduate students reside in 13 residence halls and student townhomes on the main campus. The College employs over 600 full- and part-time faculty. Students, faculty and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. Access to the residence halls, however, is limited to students and their guests according to the visitor/guest procedure (refer to [Residential Life/Learning Communities Web page](http://www.brockport.edu/reslife) at [www.brockport.edu/reslife](http://www.brockport.edu/reslife)). Access to the residence halls by College employees is on an “as needed” basis and incorporates strict control procedures. The public may attend cultural and recreational events on campus, with their access limited to the facilities in which these events are held. To report any violations of this policy or to report any suspicious circumstance, please call the University Police, (585) 395-2226.

### **Crime Reporting**

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. **The campus emergency number is (585) 395-2222 and this should be used for all fire, medical and police emergencies.** All reports are classified, logged and responded to appropriately.

Crimes in progress and any other emergencies on campus should be reported directly by any student, faculty member or employee to the University Police (585) 395-2222. The University Police can also be reached using campus blue-light emergency phones or the residence hall door

phones. Upon receipt of the call, University Police officers are dispatched immediately to the site of the complaint. They prepare and submit incident reports which are kept on file.

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

- A. Office of the Vice President for Enrollment Management and Student Affairs, (585) 395-2137
- B. Student Conduct Coordinator, (585) 395-5197
- C. Student Health Center, (585) 395-2414
- D. Office of Residential Life/Learning Communities, (585) 395-2122
- E. Student Counseling Center, (585) 395-2207
- F. Title IX Deputy Coordinator for Students, (585) 395-5042

Victims are permitted to report crime on a voluntary, confidential basis. Reports of this nature are to be filed with the University Police for information purposes but there is no formal investigation of the incident. Counselors at the College's Counseling Center, who are informed by persons they are counseling of the commission of a crime, may also inform that person that crimes can be reported to the Division of Enrollment Management and Student Affairs on a voluntary, confidential basis for inclusion in the College's crime statistics only. Incidents of sexual assault may also be reported to the Rape Crisis Service at (585) 546-2777 or (800) 527-1757. For staff and students living off campus, crimes and emergencies should be reported by dialing 9-1-1.

### **Campus Safety / Emergency Notification / Evacuation Procedures**

In the event of a crime or emergency that poses an immediate threat to the health or safety of the campus community or requires evacuation of the campus, a "Campus Safety Alert" or an "Emergency Notification Message" will be prepared and distributed via one or more of the following methods:

- the SUNY NY-Alert mass notification system
- the campus-wide Emergency Voice Notification System
- the College's Web site at *www.brockport.edu*
- WBSU 89.1FM, The Point;
- campus e-mail service;
- campus broadcast message via telephone voice mail.

The decision to activate one or more of these Emergency Notification systems will be made by appropriate campus officials (Vice President for Enrollment Management and Student Affairs, Chief of University Police, Emergency Manager, Assistant Vice President for Facilities and Planning, Director of Environmental Health and Safety) or their designees, based upon their existing knowledge of the nature and scope of the emergency. Information concerning an actual or potential emergency may be discussed among different campus officials as well as with outside municipal or governmental authorities. Factors that will be considered in arriving at such a decision include a confirmation that a serious emergency situation exists, a determination of which segments of the campus community must be warned, a determination of the content of the warning and a decision regarding what notification method(s) will be utilized. Emergency information will also be disseminated to the surrounding community by the Executive Director

of Public and Government Relations or his designee, utilizing the College's Web site ([www.brockport.edu](http://www.brockport.edu)), WBSU 89.1FM, The Point, WHAM Radio (1180AM) and WHAM Television (Channel 13).

When such an Emergency Notification is deemed to be necessary, the notification will be sent without delay unless, in the professional judgment of the responsible campus official(s), the sending of such a notification may compromise efforts to resolve the emergency or to assist / rescue a victim.

The availability and potential use of emergency notification / evacuation procedures will be publicized each year to the campus community via e-mail messages, the Banner Campus Information System and the College's Web site. Both announced and unannounced tests of these systems will be conducted at least annually and records of the tests will be maintained by the College's Emergency Manager. These records will include a description of each test, the date and time it was conducted and whether it was announced or unannounced.

### **University Police Department**

Campus safety and security are coordinated by the University Police, which has a force of 17 sworn police officers with full arrest powers. As an armed police department, patrol members respond to all emergencies.

State University of New York police officers must meet the highest standards in New York State for law enforcement officers. All officers have successfully completed a basic police training program administered by the State University at the New York State Police Academy in Albany, NY or a local regional police academy and undergo continuous training to upgrade their skills. Officers have been trained in emergency medical procedures and first aid. They conduct foot, bike and vehicular patrols throughout the campus, including residence hall areas, 24 hours a day, 365 days a year.

The objective of the University Police Department is to provide a safe environment for teaching, research and social endeavors and to protect the lives and property of the students, employees and visitors of The College at Brockport. This objective is pursued within the framework of State University rules and regulations and all local, state and federal laws. The investigation of crimes committed on the campus falls under the jurisdiction of the University Police Department. University Police also work closely with the Brockport Police Department, the Monroe County Sheriff's Department and the New York State Police. Written Memoranda of Understanding exist with these agencies, detailing areas of responsibility and specifically referencing the cooperative investigative efforts to be undertaken in serious felony and missing student cases.

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

The illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are in violation of state and federal law. The College at Brockport permits the use of alcoholic beverages on campus by those who comply with state law and who adhere to the guidelines established by the College. Students living in the College residence halls or student townhomes who are 21 years of age or older are allowed to possess and consume alcoholic beverages in their rooms in compliance with state law

and consistent with College regulations pertaining to possession and consumption. Members of the campus community in need of assistance with respect to a question or personal problem regarding alcohol or other drugs should contact the Student Health Center or the Counseling Center. A complete description of alcohol and other drug programs for our campus can be obtained from the Student Health Center.

### **Weapons on Campus**

Firearms and dangerous weapons of any type are not permitted on campus. Intentional use, possession, or sale of firearms or other dangerous weapons by anyone is strictly forbidden and is a violation of state and federal law, as well as a violation of the College's *Code of Student Conduct*.

### **Daily Log**

The University Police Department also maintains a daily log of crimes and incidents that occur on campus that is available for the public to view. This information is recorded by date, time, general location, and disposition of the complaint. This daily log is available at the University Police Department. Please note that entries or updates are generally made within two business days after an event is reported. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible.

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

### **Crime Prevention Activities**

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, University Police hold educational programs each semester on a variety of topics, including personal safety awareness and security, rape awareness/sexual assertiveness training, operation ID and anti-theft programs. Information on safety and security is provided on request to students and employees, and regularly via seminars, crime alerts, posters, brochures, *Statements* and *The Stylus*. During Welcome Weekend, programs are presented that address sexual assault, fire safety and other personal safety topics. Students are also informed of many personal safety services available on campus, which include campus escort, rape counseling, mental health services, emergency medical care and Operation Identification.

Other services available through the University Police Department throughout the year include motorist assistance, lost and found and assistance with class projects.

The Office of Facilities and Planning maintains the campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. If you have concerns about the physical safety of campus buildings and grounds, call the Office of Facilities and Planning, (585) 395-5210. For emergencies that occur during non-business hours, call University Police, (585) 395-2226.

The College campus is well-lighted, and is routinely monitored for safety and security. In addition to a telephone outlet in each student's room, there are 47 blue-light emergency telephones strategically located throughout the campus which are connected directly to University Police.

### **Relationships with other Police Departments**

Criminal activity involving students at off-campus locations is brought to the attention of the University Police by the Brockport Village Police and the Monroe County Sheriff's Department. These agencies may also assist the University Police as needed. Students involved in off-campus situations involving alcohol/drug offenses or other criminal activities may be referred to the student conduct system.

### **Campus Crime Statistics**

In accordance with provisions of the Clery Act, the following data are presented to review crime activity both on campus and on streets adjacent to campus property. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. A specific breakdown of offenses occurring in College-owned residence halls appears under "residence halls."

Another category, "public property," includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campus.

This section on campus crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As defined by the Clery Act, a disciplinary referral is an instance when a student is formally reported in writing to the student conduct coordinator for possible sanction.

As required by the Clery Act, The College at Brockport includes hate crimes in this report. For this purpose, a hate crime occurs when a person is victimized intentionally because of her/his actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. Hate crimes presented for this report are only those related to the offenses that appear in the accompanying crime statistics chart, larceny/theft, simple assault, intimidation, vandalism to property or where the victim sustained bodily injury.

This report is prepared annually by the Chief of University Police. The crime statistics presented are based on reports filed with University Police as well as crimes reported to the other College offices noted above. Formal requests for crime statistics in areas defined as "public property" were made to the Brockport Police Department, the Monroe County Sheriff's Department and the Rochester Police Department, since The College at Brockport MetroCenter is located at 55 St. Paul Street in downtown Rochester. This facility is considered to be a "non-campus building" for Clery Act purposes. Reportable offenses, as defined in the Uniform Crime Report and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, are listed at the end of this policy. **A copy of the State University of New York at Brockport crime statistics, as reported annually to the U.S. Department of Education, will also be provided upon request by the campus Personal Safety Committee. Please direct all such requests to**

**the Chief of University Police (585) 395-2226. Information can also be obtained from the U.S. Department of Education Web site at: <http://ope.ed.gov/security/>.**

### **Security in Residence Halls**

The College at Brockport's Office of Residential Life/Learning Communities is committed to providing a safe environment in the residence halls. Students are made aware of safety concerns and receive tips on prevention through brochures, pamphlets, hall meetings and presentations. While there are many safeguards in place for residence hall students, each student must do her/his part to ensure a safe and secure environment by adhering to all safety-related policies and procedures.

Each residence hall is supervised by a residence hall director (RD), a professional staff person who lives and works in the building. On almost every floor, there is also a resident assistant (RA). An RA is an upper-class student who has received extensive training in many different aspects of residence hall living. The resident directors and resident assistants undergo training in enforcing residence hall safety and security policies and are aware of potential safety hazards and concerns. There is a resident director on duty for the campus every evening from 8 pm – 8 am and each residence hall has an RA on duty from 7 pm – 7 am the next morning.

Every residence hall student is issued a key card to the main entrance of their residence hall and a key to their room. All residence halls are locked 24 hours a day. An on-campus telephone is located at the main entrance of each hall for visitors to contact students for entry. Student night desk attendants are on duty from 8 pm – 4 am. Night desk attendants sit at a desk with a telephone at the front entrance hall to check student IDs and register guests entering the residence hall with their host/hostess. They also report any unusual circumstances or situations in the residence hall.

Although the campus is a safe place to live, there is always the potential for crime; residence hall students should not be lulled into a false sense of security. We all need to be aware of our environment and the possible consequences of our behavior. The College at Brockport is committed to maintaining an environment in which students, faculty, staff and guests can work together free from all forms of harassment, exploitation and intimidation. The College will act as needed to discourage, prevent, correct and, if necessary, discipline behavior that violates this standard of conduct. The College will promptly investigate allegations of unlawful discrimination or harassment based on race, color, gender, national origin, religion, age, sexual orientation, disability or marital status. Allegations of unlawful discrimination can also be discussed with the affirmative action officer, a counselor, an advisor, a resident director, a faculty member, or the Vice President for Enrollment Management and Student Affairs.

### **Missing Student Policy**

Reports of residential students who have been missing for 24 hours or more should be made immediately to University Police and the Office of Residential Life/Learning Communities. Each student who resides in an on-campus student housing facility has the option to register a confidential contact person to be notified in the event that the student is determined to be missing. Only authorized campus officials and law enforcement officers acting in furtherance of a missing person investigation may have access to this information. Procedures for the

collection, maintenance and authorized dissemination of this contact information will be administered by the Office of Residential Life/Learning Communities. Regardless of whether or not a student has registered a confidential contact, University Police should be notified immediately when any residential student is missing for 24 hours or more. It is College policy that within 24 hours of receiving a report of a missing student, the College will notify the student's confidential contact (if provided), will notify the parent or guardian of any missing student under the age of 18 who is not emancipated and will contact the local area law enforcement agencies. Nothing in this policy precludes the implementation of these procedures in less than 24 hours if circumstances so warrant.

## **Bias Crimes Prevention**

### ***Hate Crimes and the Law***

It is a State University of New York College at Brockport University Police mandate to protect all members of the College community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the Federal Hate/Bias Crime Reporting Act of 1990, and the New York State Hate Crimes Act of 2000, (Penal Law Article 485). Copies of the New York law are available from University Police, (585) 395-2226.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, University Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the university as acts of bigotry, harassment, or intimidation directed at a member or group within the State University of New York College at Brockport community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Bias incidents can be reported to University Police at (585) 395-2226 as well as to the Affirmative Action Officer at (585) 395-2109.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by using a blue-light or other campus emergency telephone, calling University Police at (585) 395-2222 or stopping by University Police. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus as follows: Counseling Center (585) 395-2207 and Health Center (585) 395-2414.

For general information on State University of New York College at Brockport security procedures, call University Police, (585) 395-2226.

More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the Chief of University Police, (585) 395-2226.

## **Sexual Assault Prevention**

### *Sexual Assault and the Law*

The College at Brockport has programs in place to protect all members of The College at Brockport community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of University Police.

### *Educational Programs*

Educational programs to promote awareness of rape, acquaintance rape and sex offenses are presented to the campus community. University Police, Health Promotion and Prevention Services, the Women's Center, Residential Life/Learning Communities in addition to other campus departments provide programs during Summer Orientation, Welcome Week and throughout the academic year.

### *Sexual Crimes Information*

As is required by law, information concerning any registered sex offender who has an affiliation with the College due to employment or student status is available upon request by contacting the Chief of University Police located in Lathrop Hall or by phone at (585) 395-2226. Information concerning other registered sex offenders who reside in New York State is available by accessing the Department of Criminal Justice Services' website at: [www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us).

Rape and sexual assault, such as sexual abuse, constitute crimes. Such behavior is prohibited by the following sections of the New York State Penal Law:

- A. **130.20 Sexual Misconduct is a Class A Misdemeanor.** A person is guilty of sexual misconduct when:
  - 1. S/he engages in sexual intercourse with another person without such person's consent; or
  - 2. S/he engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
  - 3. S/he engages in sexual conduct with an animal or a dead human body.
  
- B. **130.25 Rape in the Third Degree is a Class E Felony**  
A person is guilty of rape in the third degree when:

1. S/he 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; or
  2. Being 21 years old or more, s/he engages in sexual intercourse with a person less than 17 years old; or
  3. S/he 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.
- C. **130.30 Rape in the Second Degree is a Class D Felony.** A person is guilty of rape in the second degree when:
1. Being 18 years old or more, s/he engages in sexual intercourse with a person less than 15 years old; or
  2. S/he engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.
- D. **130.35 Rape in the First Degree is a Class B Felony.** A person is guilty of rape in the first degree when s/he 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 act is committed by a person 18 years old or more.
- E. **130.40 Criminal Sexual Act in the Third Degree is a Class E Felony.** A person is guilty of criminal sexual act in the third degree when:
1. S/he engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; or
  2. Being 21 years old or more, s/he engages in oral sexual conduct or anal sexual conduct with a person less than 17 years old; or

3. S/he engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.
- F. **130.45 Criminal Sexual Act in the Second Degree is a Class D Felony.** A person is guilty of criminal sexual act in the second degree when:
1. Being 18 years old or more, s/he engages in oral sexual conduct or anal sexual conduct with another person less than 15 years old; or
  2. S/he engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined by subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.
- G. **130.50 Criminal Sexual Act in the First Degree is a Class B Felony.** A person is guilty of criminal sexual act in the first degree when s/he engages in oral sexual conduct or anal sexual conduct 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 act is committed by a person 18 years old or more.
- H. **130.52 Forcible Touching is a Class A Misdemeanor.** A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

- I. **130.53 Persistent Sexual Abuse is a Class E Felony.** A person is guilty of persistent sexual abuse when s/he commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous 10-year period, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section

130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

- J. **130.55 Sexual Abuse in the Third Degree is a Class B Misdemeanor.** A person is guilty of sexual abuse in the third degree when s/he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old, and (b) such other person was more than 14 years old, and (c) the defendant was less than five years older than such other person.
- K. **130.60 Sexual Abuse in the Second Degree is a Class A Misdemeanor.** A person is guilty of sexual abuse in the second degree when s/he subjects another person to sexual contact and when such other person is:
1. Incapable of consent by reason of some factor other than being less than 17 years old; or
  2. Less than 14 years old.
- L. **130.65 Sexual Abuse in the First Degree is a Class D Felony.** A person is guilty of sexual abuse in the first degree when s/he subjects another person to sexual contact:
1. By forcible compulsion; or
  2. When the other person is incapable of consent by reason of being physically helpless; or
  3. When the other person is less than 11 years old.
- M. **130.65 Aggravated Sexual Abuse in the Fourth Degree is a Class E Felony.** A person is guilty of aggravated sexual abuse in the fourth degree when:
1. S/he inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or
  2. S/he inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.
  3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**N. 130.66 Aggravated Sexual Abuse in the Third Degree is a Class D Felony.**

1. A person is guilty of aggravated sexual abuse in the third degree when s/he inserts a foreign object in the vagina, urethra, penis or rectum of another person:
  - a. By forcible compulsion; or
  - b. When the other person is incapable of consent by reason of being physically helpless; or
  - c. When the other person is less than 11 years old.
2. A person is guilty of aggravated sexual abuse in the third degree when s/he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**O. 130.67 Aggravated Sexual Abuse in the Second Degree is a Class C Felony.**

1. A person is guilty of aggravated sexual abuse in the second degree when s/he inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
  - a. By forcible compulsion; or
  - b. When the other person is incapable of consent by reason of being physically helpless; or
  - c. When the other person is less than 11 years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**P. 130.70 Aggravated Sexual Abuse in the First Degree is a Class B Felony.**

1. A person is guilty of aggravated sexual abuse in the first degree when s/he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
  - a. By forcible compulsion; or
  - b. When the other person is incapable of consent by reason of being physically helpless; or
  - c. When the other person is less than 11 years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Q. 130.90 Facilitating a Sex Offense with a Controlled Substance is a Class D Felony. A person is guilty of facilitating a sex offense with a controlled substance when s/he:**

1. Knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
2. Commits or attempts to commit such conduct constituting a felony defined in this article.

**Possible Penalties for Sexual Assault Offenses**

The New York State Penal Law provides for the following possible penalties for the various classifications of sexual assault offenses:

Class B Felony	Imprisonment for 5 to 25 years
Class C Felony	Imprisonment for 3 1/2 to 15 years
Class D Felony	Imprisonment for 2 to 7 years
Class E Felony	Imprisonment for 1 1/2 to 4 years
Class A Misdemeanor	Imprisonment for up to 1 year
Class B Misdemeanor	Imprisonment for up to 3 months

The College also strongly condemns sexual harassment in any form. Allegations of sexual assault or rape should be reported to University Police, (585) 395-2222. Allegations of sexual harassment should be reported to the Affirmative Action Office, (585) 395-2109. Victims of a sex crime may choose to report the offense to any office that appears on the first page of this report or to the College's Title IX Coordinator, (585) 395-5119.

Allegations of sexual assault or rape occurring off campus should be reported to the Brockport Police Department, Monroe County Sheriff's Department or the New York State Police. Telephone numbers, which include the number of the Rape Crisis Center, Student Counseling Center and The College at Brockport's Division of Enrollment Management and Student Affairs, are listed under Crime Reporting in this report. Efforts will be made to ensure the confidentiality of all reports, except as required to investigate the alleged offenses. College authorities may issue a safety alert to those areas of the College community affected by the crime. The issuance of this alert will depend on the particular circumstances of the crime. Victims can provide information to the University Police and choose criminal prosecution, a referral to the campus judicial system, or both.

Procedures and possible sanctions related to on-campus discipline are discussed in the *Code of Student Conduct*. Victims of sex crimes should contact the student conduct coordinator at (585) 395-5197 or the College's Title IX Coordinator at (585) 395-5119 for additional information. The *Code of Student Conduct* outlines the procedures that can occur if a victim decides to report an incident. It is important to note that the accuser and the accused are entitled to the same

opportunities to have others present during a disciplinary proceeding. Both the accuser and the accused will be informed of the outcome of any campus disciplinary action, including the sanction to be imposed. Such sanctions can include an official warning, residence hall probation, residence hall reassignment, conduct probation, suspension from the residence halls, conduct suspension or conduct dismissal from the institution.

Victims of a sex offense will also be informed of their option to notify either University Police or another appropriate police agency, and will be assisted by College personnel in notifying the police if desired.

The University Police enforce all New York state laws, including those regulating underage drinking, the use of controlled substances and weapons.

### **Sexual Assault Information**

If you are a victim of sexual assault:

- A. Immediately report the assault to the police. Call (585) 395-2226 on campus, or 9-1-1 off campus. Police cannot investigate the incident as a crime unless you file a formal report. Reporting a crime to the police or to another campus office does not necessarily obligate you to follow through with criminal prosecution.
- B. Go to a hospital emergency room as soon as possible if the assault involved a sexual penetration or other physical injuries. (Evidence can be collected several hours after an attack, but its value may be diminished.) Do not wash, change clothing, or otherwise “clean up.” Bring a full change of clothing because the clothes you were wearing at the time of the attack may be kept as evidence.
- C. Your follow-up medical care is crucially important. You may need tests for sexually transmitted diseases and pregnancy.
- D. No matter when or where the assault occurred, support and referral resources are available to help you. Contact the Counseling Center at (585) 395-2207 or the Rape Crisis Service at (585) 546-2777 or (800) 527-1757 for assistance.

### **Statement of Victims’ Rights**

- A. Victims have the right to choose counseling and medical treatment, and to prosecute and report their case through the campus judicial system and/or the off-campus court system. They also have the right to refuse all these options without reproach from any College personnel.
- B. Victims have the right to be treated with dignity and seriousness by campus personnel.
- C. Victims of crimes against an individual have the right to be reasonably free from intimidation and harm.
- D. The College at Brockport personnel are encouraged to inform all victims that:

1. Victims are not responsible for crimes committed against them;
  2. Victims are not negligent toward their safety and thus do not assume the risk of crime; and
  3. Victims should always report their crime, despite the possibility of adverse publicity for the College.
- E. Victims will be made aware of appropriate student services, including counseling.
- F. Victims are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.
- G. If the accused is prohibited from contacting the victim or entering the victim's residence, the victim will be notified that the ban is in effect.
- H. Any victim who does not wish to remain in her/his present residence hall or class section may be granted a transfer to other housing or another class section if available.
- I. The victim has the right to information regarding the status of her/his case.

### **Offense Definitions**

The definitions for murder, robbery, aggravated assault, burglary, arson, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the *Uniform Crime Reporting Handbook*. The definitions of forcible and non-forcible sex offenses are excerpted from the national incident-based reporting edition of the *Uniform Crime Reporting Handbook*.

- A. Criminal Homicide, Murder and Non-negligent Manslaughter — The willful (non-negligent) killing of one human being by another.
- B. Criminal Homicide, Manslaughter by Negligence — The killing of another person through gross negligence.
- C. Sex Offenses (Forcible) — Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
  1. Forcible Rape — The carnal knowledge of a person, forcibly and/or not forcibly or against the person's will where the victim is incapable of giving consent because of her/his temporary or permanent mental or physical incapacity (or because of her/his youth).
  2. Forcible Sodomy — Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the

victim is incapable of giving consent because of her/his youth or because of her/his temporary or permanent mental or physical incapacity.

3. **Sexual Assault with an Object** — The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of her/his youth or because of her/his temporary or permanent mental or physical incapacity.
4. **Forcible Fondling** — The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of her/his youth or because of her/his temporary or permanent mental incapacity.

**D. Sex Offenses (Non-forcible)** — Unlawful, non-forcible sexual intercourse.

1. *Incest* — Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. *Statutory Rape* — Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**E. 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.

**F. Aggravated Assault** — An unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault is usually 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.)

**G. 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.

**H. 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.

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

- J. **Liquor Law Violations** — The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, bootlegging, operating a still, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance and all attempts to commit any of the aforementioned.  
(Drunkenness and Driving under the Influence are not included in this definition.)
  
- K. **Drug Abuse Violations** — Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroine, codeine), marijuana, synthetic narcotics (demerol, methadone) and dangerous non-narcotic drugs (barbiturates, Benzedrine).
  
- L. **Weapon Law Violations** — The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons, carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors, aliens possessing deadly weapons and all attempts to commit any of the aforementioned.

For additional information, please access the U.S. Department of Education's Campus Security Statistics Web site at <http://ope.ed.gov/security/> or visit [www.securityoncampus.org](http://www.securityoncampus.org) for more information on the Jeanne Clery Act. The Campus Crime Statistics are attached.

For information about the College's Annual Fire Safety Report please review document titled, HEOA 2009 Fire Safety Report at the following link:  
[http://www.brockport.edu/policies/docs/heoa\\_2009\\_fire\\_safety\\_report.pdf](http://www.brockport.edu/policies/docs/heoa_2009_fire_safety_report.pdf)

**Campus Crime Statistics\* as Defined by  
“The Jeanne Clery Disclosure of Campus Security Policy  
and Crime Statistics Act”**

The College at Brockport  
State University of New York  
Main Campus

<b>Category</b>	<b>Venue</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Murder and Non-negligent Manslaughter	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
Negligent Manslaughter	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
Sex Offenses Forcible *	On campus**	3	1	4
	In residence halls	2	1	3
	In or on a non-campus building/property	0	0	0
	On public property	0	1	0
<b>Total</b>		<b>3</b>	<b>2</b>	<b>4</b>
Sex Offenses Non-forcible *	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
Robbery	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
Aggravated Assault	On campus**	1	2	0
	In residence halls	1	1	0
	In or on a non-campus building/property	0	0	0
	On public property	1	1	1
<b>Total</b>		<b>2</b>	<b>3</b>	<b>1</b>
Burglary	On campus**	21	8	8
	In residence halls	11	5	5
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>21</b>	<b>8</b>	<b>8</b>
Arson	On campus**	0	0	1
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0

<b>Category</b>	<b>Venue</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Motor Vehicle Theft	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
Liquor Law Violations Arrests	On campus**	8	23	47
	In residence halls	4	9	10
	In or on a non-campus building/property	0	0	0
	On public property	3	0	0
<b>Total</b>		<b>11</b>	<b>23</b>	<b>47</b>
Liquor Law Violations Disciplinary Referrals	On campus**	186	177	201
	In residence halls	165	157	176
	In or on a non-campus building/property	0	0	0
	On public property	0	0	2
<b>Total</b>		<b>186</b>	<b>177</b>	<b>203</b>
Drug Law Violations Arrests	On campus**	23	43	80
	In residence halls	6	15	14
	In or on a non-campus building/property	0	0	0
	On public property	0	0	1
<b>Total</b>		<b>23</b>	<b>43</b>	<b>81</b>
Drug Law Violations Disciplinary Referrals	On campus**	30	38	34
	In residence halls	20	22	17
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>30</b>	<b>38</b>	<b>34</b>
Weapons Possession Arrests	On campus**	1	2	6
	In residence halls	0	1	2
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>1</b>	<b>2</b>	<b>6</b>
Weapons Possession Disciplinary Referrals	On campus**	0	0	0
	In residence halls	0	0	0
	In or on a non-campus building/property	0	0	0
	On public property	0	0	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>

There were no reported “Hate Crimes” for 2008 or 2009. During 2010, there was one incident on campus of destruction/damage/vandalism of property characterized by religious bias.

\* These statistics include anonymous reports made to campus offices described in this report. They represent reports believed to be made in good faith but for which no verification has been established.

\*\* This category includes all on-campus incidents, including those listed “In residence halls.” These categories represent duplication and are not cumulative.