

2017 ANNUAL SECURITY REPORT

CATTARAUGUS COUNTY CAMPUS - OLEAN



CALENDAR YEAR 2016



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Jamestown Community College: Cattaraugus Campus Annual Security Report

This report is being provided to you as part of Jamestown Community College's commitment to safety and security on campus and is in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990*, and its amendments. Hereinafter, this act will be referred to as the Clery Act.

The Coordinator of Campus Safety and Security is responsible for preparing this report and obtains information from a number of resources including: the college incident reporting and management system, college policy and procedure documents, local law enforcement, the Jamestown Fire Department and other resources necessary to provide comprehensive and current information. Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is also made available to prospective students and employees. It is available online at:

<http://www.sunyjcc.edu/sites/default/files/SAF-J-AnnualSecurityReport.pdf> and in the campus safety office.

Crime Awareness and Campus Security: The Jeanne Clery Act

Prepared by JCC in compliance with the Crime Awareness and Campus Security Act of 1990, now known as the Jeanne Clery Act of 1998

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, which requires colleges and universities across the United States to disclose information about crime on and around their campuses. JCC complies with these regulations by providing information relating to crime statistics automatically to all current students and employees.

Appropriate statistical data is collected for the following sites:

- Jamestown Campus
- Cattaraugus County Campus
- North County Center

Minor crime incidents are investigated by the Coordinator of Campus Safety and Security and are followed up with local law enforcement as appropriate. The Coordinator of Campus Safety and Security does not have arrest powers therefore, he facilitates and encourages the reporting of criminal activity to local law enforcement agencies. Serious crime incidents and felonies are reported to the appropriate police department depending on campus or extension center location.

The Coordinator of Campus Safety and Security also maintains a daily log of crimes and incidents that occur on campus that is available for the public to view. This daily log is available at the Campus Safety office, located in the Hamilton Collegiate Center on the Jamestown Campus. Entries or updates are made within two business days after the event is reported. While most events are logged, the Coordinator of Campus Safety and Security may determine

that an incident be classified as “confidential” in order not to jeopardize a criminal investigation or the identity of the victim.

JCC campus crime statistics as reported annually to the U.S. Department of Education and are available upon request from the Coordinator of Campus Safety and Security at 716.338.1015. Information can also be obtained on JCC’s website, www.sunyjcc.edu, or at <http://ope.ed.gov/security/>.

Students' and Employees' Responsibilities for Safety on Campus

The cooperation and involvement of students and employees in a campus safety program is absolutely necessary. Students and employees must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, although the campus is well lighted, any student or employee, male or female, may feel more comfortable walking with a friend or contacting a member of the buildings and grounds department for an escort to their cars at night. Valuables should not be left where they can be seen in the vehicle, but should be locked in the trunk. Bicycles should be left in designated areas and locked. Students and employees should report any suspicious activity or unusual incident or individuals whom they feel do not belong on campus to the coordinator of Campus Safety and Security as soon as possible.

Visitors On Campus

Visitors are welcome on JCC campuses. However, they are expected to abide by the same rules that apply to students. Action, including ejection from campus, may be taken against any and all persons who are present in or on college owned or used facilities for an improper purpose or purpose which, in the judgment of the college representative, is improper or interferes with or obstructs the functioning of the college or the normal processes or activities of the college. If students bring their children on campus, the children must remain under the direct supervision of their parents or guardians. Any unsupervised or disruptive children will be detained by a college representative. The child’s parents will be contacted immediately and the child may be asked to leave the campus.

Security Policies and Procedures

Jamestown Community College is a publically supported institution of higher education. Jamestown Community College operates two campuses: The main campus in Jamestown (Chautauqua County), NY and the Cattaraugus County Campus in Olean, NY. There were two extension centers of the main campus, the North County Extension Center in Dunkirk, New York and the Warren Extension Center in Warren, Pennsylvania. In 2015, JCC made the decision to discontinue offering course options at the Warren Extension Center.

In 2016, Jamestown Community College had a combined spring and fall enrollment of approximately 1,196 students at the Cattaraugus Campus and 424 online students. In 2016, Jamestown Community College employed approximately 650 people college-wide. The college performs criminal background checks on all new hires as another measure to maintain a high standard of safety for faculty, staff, students and visitors on our campuses.

During open hours, students, faculty, and employees of JCC have access to academic, recreational, and administrative facilities at each campus and extension center. The buildings are closed from approximately 10 p.m. to 7 a.m. The general public can attend cultural and recreational events on campus, as well as access the libraries. Many events are advertised for the public at large and athletic facilities are periodically open to the general public. JCC offers a truly open campus experience within its facilities at all locations.

JCC does not employ a security force. The Coordinator of Campus Safety and Security maintains relationships with all law enforcement agencies that have jurisdiction, and in the vicinity of our college campuses. Law enforcement services are provided by the jurisdictional law enforcement agency of the campus and the contact information for those agencies is contained in this report as well as the JCC website. On campus security services are provided through a joint effort between staff and faculty and coordinated by the Coordinator of Campus Safety and Security. The building and grounds department maintains the college buildings and grounds with a concern for safety and security. The department inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security problems.

Alcoholic beverages are not permitted on campus without the express approval of the vice president of administration. JCC has adopted a Drug and Alcohol Abuse Prevention Program (beginning on page 14 of the report).

Intentional use, possession, or sale of firearms or other dangerous weapons on campus or college property by students and employees is strictly forbidden and is a violation of the college's Constitution of the Student Body.

Law Enforcement and Interagency Relationships

Jamestown Community College does not employ a security force. The vice president of administration and the Coordinator of Campus Safety and Security are responsible for campus safety.

The college maintains a highly professional and close working relationship with local law enforcement agencies. The vice president of administration, vice president of student development, the director of residence halls, the director of buildings and grounds, and the Coordinator of Campus Safety and Security interact with local law enforcement agencies informally on a periodic basis to discuss safety concerns relative to our campuses.

The college cooperates fully with law enforcement agencies when they respond to campus incidents. An open sharing and exchange of information exists between the college, law enforcement, the fire department and emergency services due to the fostering of these relationships. Memorandums of understanding (MOU) are established between the college and local law enforcement that provides for the prompt investigation of possible violent felony offenses and reports of missing students. In compliance with Federal TIX Act and NYS Enough is

Enough legislation, the college and the law enforcement agencies have MOU's in place to address any allegations of domestic violence, dating violence, sexual assault and stalking as desired by a reporting person.

The New York State Campus Safety Act of 1999 requires that colleges have procedures in place for the investigation of missing persons and violent felony offenses.

Violent Felony Offenses

If a violent felony incident should occur, the appropriate law enforcement agency that has jurisdiction for that campus or extension center location will be contacted to conduct a thorough and prompt investigation.

Reporting Criminal Action or Emergencies

JCC encourages accurate and prompt reporting of all crimes or suspected criminal activity. Any student, faculty member, employee or community member are encouraged to report criminal actions and other emergencies on campus to the Coordinator of Campus Safety and Security. The Coordinator of Campus Safety and Security will work with the appropriate police agency when it is necessary to investigate criminal activity. Reports can be made on a voluntary, confidential basis and may be made anonymously at <https://www.sunycc.edu/student-life/campus-safety/file-report> or by calling: 716.338.1015 during business hours. Crimes in progress should be reported to the appropriate law enforcement agency with jurisdiction for the campus. Options for confidential reporting can be found starting on page 24 of this report or on the Campus Safety page of the JCC website.

JCC does not remove reports of crimes that have been “unfounded” by law enforcement officials.

On-Campus Reporting

Coordinator of Campus Safety and Security - 716.338.1015
Vice President of Cattaraugus County Campus - 716.376.7509
Health Services - 716.376.7569

During evenings and weekends:

When there is no switchboard coverage, dial 911 directly or the maintenance cell phone: 716.490.0414 or 716.490.0416.

Off-Campus Reporting

Olean Police Department 911-emergencies or 716.376.5678

State Police

New York State Police

Olean area 716.373.2550

Victims are encouraged to report crime on a voluntary basis. Reports of this nature are to be filed with the Coordinator of Campus Safety and Security for information purposes and for inclusion in the college's annual crime statistics report.

In cases of threats to the safety of students and employees of JCC, timely notification will be made through electronic means. A paper memorandum relative to a threat to safety may be disseminated to all faculty and staff or through the college's newsletter when time permits and the threat is not eminent. Faculty and staff will be directed to inform students in classes and/or during other organized activities.

Victims of violent crimes will be informed of appropriate counseling resources available through JCC's counseling centers or in the community.

A response team will respond to emergencies related to campus crime and shall consist of the president, vice president of academic affairs, vice president of Cattaraugus County Campus, vice president of administration, director of buildings and grounds, vice president of student development, vice president of enrollment, marketing, and communications, and Coordinator of Campus Safety and Security.

Silent Witness and Filing Reports

Jamestown Community College understands the difficulty people may experience reporting crimes or incidents of concern to face-to-face. As a result, the college offers a reporting system that can be accessed on the Campus Safety page from any computer or smart device at <https://www.sunyjcc.edu/student-life/campus-safety/file-report>. This system provides a person who has witnessed, or knows about, crime, student behavior/conduct, residence life concerns or safety and security issues on campus an electronic option to report the incident. A person can be a Silent Witness by completing the report anonymously and confidentially.

The completed report is electronically routed to the appropriate office for follow up and if it is necessary, appropriate authorities will be involved.

The purpose of the program is to obtain information regarding criminal activity, address the activity and prevent further incidents from occurring. It also insures that information gathered goes to the proper law enforcement agency and nowhere else.

Campus Safety Alerts

Timely Warnings

To help protect the college community and prevent crimes or serious incidents on campus, JCC issues campus safety alerts in a timely manner to notify the college community about certain

crimes or emergencies on and around the campus or extension center sites. Incidents to reported to campus Security authorities and members of the college community who know a crime or other serious incident is taking, or has taken, place should report that incident as soon as possible to the Coordinator of Campus Safety and Security, so that a campus safety alert can be issued to ensure an evacuation or other appropriate emergency response protocol can be issued. Campus safety alerts are distributed in a variety of ways: campus e-mail, electronic telephone notification, text message, radio announcements, flyers, and posters. Campus safety alerts are also posted at <http://www.sunyjcc.edu/safety>.

JCC tests each of the emergency notification systems semi-annually during the spring and fall semesters.

JCCAlert/REGROUP - Emergency Notifications

Jamestown Community College uses REGROUP to power JCCAlert to provide the college's emergency notification service. Students, staff, and faculty will get emergency alerts from the college via text messages, email, and voice notification.

JCCAlert enables JCC to provide a safer environment, enhance emergency preparedness, and keep our faculty, staff, and students better informed in the event of an emergency. JCCAlert is used to inform students, faculty and staff of a campus emergency, campus closures or other important communication via this system. Students enrolled for classes at the current time will receive messages, as well as currently employed faculty and staff.

The program is set up to send messages to primary email accounts (full-time faculty and staff, students, and others who have a JCC email). For all others, it will be sent to the email account provided to the college as a primary email account. Other contact preferences such as home phone, cell phone, or other email address can be added by signing on to REGROUP at <https://sunyjcc.reggroup.com/signup> and entering login information as provided by the college.

If a person forgot their password or experiences difficulties, they can contact the JCC Helpdesk at helpdesk@mail.sunyjcc.edu

The Vice President of Communications and Marketing is the conduit for external communication and information disseminated to the larger community.

JCC will use the JCC Emergency Page located on the JCC website, JCC Facebook page, Twitter, as well as various media outlets to provide emergency notifications and updates.

Emergency Preparedness

Emergency preparedness and response is a high priority of the college. The administration of Jamestown Community College believes it is the responsibility of the entire campus community to be prepared to respond appropriately should an emergency occur. The President of the college has directed that efforts made to communicate information of "what everyone needs to know should an emergency take place" to the campus community, college-wide.

JCC incorporates the Incident Command System (ICS), National Incident Management System (NIMS) and the Homeland Security Exercise and Evaluation Program (HSEEP) in tests, training and exercise protocols.

JCC utilizes the emergency response protocols of: **Shelter-in-Place, Evacuate, Lockout and Lockdown (Run/Hide /Fight)** as recommended by the Department of Homeland Security. Information relative to what for each of these protocols is located on the Campus Safety page of the JCC website. This information is also presented during annual trainings, periodically at meetings and via email. The JCC has published additional emergency response materials that are disseminated in classrooms and offices throughout each campus as well as being posted on the Campus Safety page of the JCC website.

Emergency Evacuation for mobility-impaired individuals:

- Use the elevator for all emergencies **EXCEPT** fire or earthquake.
- If you are unsure what kind of emergency exists, use the stairs or the Area of Rescue Assistance.

In the event of fire or earthquake, proceed to the Area of Rescue Assistance.

Jamestown Campus: Areas of Rescue Assistance are located in marked stairwells in the ARSC, HULT, and CEDC buildings. The areas in ARSC and HULT are equipped with emergency phones that are connected to 911. Fire or police department personnel will evacuate you.

North County and Cattaraugus County Campus students: use the Areas of Rescue Assistance in the labeled stairwells.

For hearing-impaired individuals:

Please note that alarms are equipped with strobes which flash in the event of an emergency. However, outside of main hallways in older parts of some buildings or in private offices there may be no strobes; be aware of your surroundings and alert to other visual cues.

Your responsibilities:

As a student with disabilities or medical conditions who may require assistance with emergency evacuation, it is your responsibility to:

- Identify yourself to supervisors, faculty, roommates, the [college Health Centers](#) and/or residence assistants, indicating the nature of your disability and the type of assistance required in the event of an emergency.
- Know building and campus evacuation routes. Classroom evacuation maps are located in each classroom beside the door.
- Make use of a “buddy system.”

Weapons Possession

Firearms and dangerous weapons of any type are not permitted on campus. Weapon-like items such as wooden or metal swords, paint ball guns, BB guns, etc.) are also 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 college policy.

Health, Safety, and Security Committee

In accordance with Section 6431 of the New York State Education Law, JCC has an advisory committee on campus safety called the Health, Safety, and Security Committee. Committee membership comes from all campus constituencies. The committee is charged with reviewing current campus safety and security policies and procedures and to make recommendations for the improvement of such policies and procedures.

Behavioral Intervention Team (BIT)

The JCC Behavioral Intervention Team (BIT) is an interdisciplinary team of professionals using a systems approach in a collaborative model to identify students with at-risk behavior on campus.

The BIT is comprised of a JCC faculty, staff, and administrators that include: Student Development, Residence Life, Counseling, Health Services, Campus Safety, and Buildings & Grounds. They meet biweekly during the academic year to: discuss behavioral incidents and concerns occurring on campus; to discuss, plan, and implement intervention strategies; and provide consultation to the Vice President of Student Development, who chairs the team, regarding students who are at risk of concern. Additional meetings may be scheduled if needed. To respect confidentiality meetings will be closed to the college community.

Members come to the team with experience in managing health, behavior, and safety aspects of the college experience and may therefore spot trends and set up early intervention services as they evaluate behaviors from a variety of college perspectives.

The team is a resource for JCC faculty and staff to report student behaviors of concern. Its intent is to provide early support and intervention to students, but not to stigmatize them or enable profiling. In addition, it is meant to assist students to receive needed accommodations, assist with academic stressors, and to increase and enhance opportunities for student success. In some cases there may be no violation of campus rules, as such, but the behavior may evoke alarm or concern among involved persons. The team creates an approach that integrates information among offices and takes advantage of the strengths and valuable services that various departments provide. The team provides an early intervention resource for JCC faculty, staff, and students to consult on student behaviors of: distressing, disruptive, or threatening behaviors of concern. To view the BIT website go to <https://www.sunycc.edu/student-life/campus-safety/safety-initiatives/jcc-bit>

Crime Prevention and Awareness

Crime prevention has been defined as “the anticipation, recognition and appraisal of a crime risk and the initiation of some action to remove or reduce it.” Crime prevention means using your instinct, commonsense and action to reduce a criminal’s opportunity.

An awareness to the crime risks posed to the campus community provides JCC an opportunity to sponsor appropriate crime prevention and security awareness programs for its students and employees. In addition to the campus safety office, programming and training is accomplished in collaboration with many campus departments including: Human resources, Buildings and Grounds, Health Services and College Life. Topics may include: personal safety awareness and security, rape prevention, the prevention of burglary and vandalism and various health and wellness initiatives. Information is also provided to students and employees through electronic and paper memoranda, posters, brochures, and the college newsletter.

Information is shared relative to a wide variety of crime and safety topics including but limited to: personal safety, building security, drug, alcohol and mental health issues, fire alarm and extinguisher operations (where appropriate), etc...

Information on crime prevention and awareness programs specific to a topic can be obtained from the appropriate office listed in this paragraph.

Crime Prevention Tips

Many crimes occur because there was an opportunity for them to happen. For example, most crimes of theft and burglary are random, not planned. Listed below are some crime prevention tips to help you protect yourself and your property:

At All Times

- Be alert. Watch for obvious strangers around your office, residence hall, home, or apartment. Check for signs of a break-in before entering an empty house, office, or car. Call the police if you see signs of a forced entry.
- Call the executive director of human resources & college-wide safety if you experience minor theft problems over a period of time.
- When at campus facilities, do not leave backpacks, books, or computers unattended. Print your name inside every textbook you own.
- If you are driving and you think you’re being followed, make several turns in one direction and head back the way you were going. If the car is still behind you, go to the nearest police or fire station, or somewhere public. Do not stop or get out of the car. If you have a cell phone, call the police.
- Watch out for others. If you are expecting a delivery or a guest in your absence, leave your keys with a neighbor or co-worker. Let your office staff and neighbors know when you will be away from home and ask for them to challenge strangers in the area. Don’t place information on Facebook, Twitter or other forms of social media that you will be out of town or on vacation.

- Never give out personal information over the phone about yourself or others to strangers on the phone or internet.
- Maintain a record of serial numbers of your property and your credit cards. Include a brief description of the items and keep in a safe place.
- Report any crime or suspicious activity to Public Safety or to the Police. Be prepared to supply as much information as possible, such as descriptions of people, property and cars.
- Program emergency phone numbers into your personal cell phone. If you need to contact police while on campus, you may use one of the blue light or emergency phones located at strategic areas on campus.

In Your Residence (on or off campus)

- List only your initials and last name on your mail box or in any telephone directories.
- Be sure all windows have secure frames and locks.
- Immediately report any maintenance deficiencies that may compromise building security to your Resident Advisor or the Buildings & Grounds Department.
- Never open your door to strangers.
- Never hide your door key anywhere outside your residence.
- Make sure your door is locked whenever you leave, even if only for a short time.
- Never leave valuables unattended (purses, wallets, book bags, laptops, iPods, cell phones, etc.).

When Walking

- Walk with someone else whenever possible. Walk only in well-lit areas and avoid shortcuts through poorly lit areas or other areas where you are unfamiliar (vacant lots, deserted areas, etc.).
- Walk near the curb on the side of the street facing the traffic.
- If a driver stops you to ask for directions, do not get too close to the vehicle and risk being pulled inside.
- If you expect to be walking, wear comfortable clothes and shoes that you can run in. If you think you are being followed while walking, change direction and walk toward a well-lit area with other people around.

For Office Personnel

- Lock and secure your desk and office when away, even if it's just for a minute or so.
- Keep small valuables (wallets and purses) out of sight in a closed and locked desk or file cabinet. Keep petty cash, stamps, etc. in a locked area.
- Do not remove rings when washing your hands.
- Avoid using stairs in remote sections of a building.
- If you think someone is trying to steal items and/or if you observe suspicious persons or activity, call the Coordinator of Campus Security and Safety.
- If vendors come to the office to pick up equipment or to do repairs, ask to see their ID.

In Social Situations; Sexual Assault risk reduction tips

For Men:

- Never pressure or force someone to have sex; “No” does not mean maybe. Only “Yes” means yes.
- Stay sober; if you or the other person gets drunk or stoned, don’t have sex.
- Speak up if you are getting double messages.
- Interrupt someone whom you see verbally or physically violating someone else’s space.

For Women:

- Communicate your limits clearly; it is your right to say “No” even if you have had sex previously with that same person.
- Be assertive; don’t worry about being polite if someone is not respecting your wishes.
- Be alert; drugs and alcohol impairs your judgment and the ability to make good decisions.
- Trust your instincts.
- Always have a plan to get yourself home.

Drug and Alcohol Abuse Prevention

Prepared by Jamestown Community College in compliance with the Drug Free Schools and Communities Act Amendments of 1989

All students and employees of JCC should be aware that JCC takes seriously its responsibility to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol. We urge you to read carefully the information in this booklet which details the college policy on the use of drugs and alcohol, the civil penalties which may be imposed, the health risks incurred by users, and counseling services available to assist employees and students. We hope this educational booklet can help eliminate the problems of drug and alcohol abuse from our educational community.

Policy and Procedures Regarding the Use of Drugs and Alcohol

In compliance with the Drug Free Workplace Act and the Drug Free Schools and Communities Act, Policy No. 190-104, 9/1/90, Rev. No. 1

JCC prohibits the unlawful manufacture, distribution, possession, and/or use of illicit drugs and alcohol by employees and students on any college owned or controlled property, or as part of its activities. This includes reckless or intentional action which threatens the mental or physical health of another for the purpose of initiation into or affiliation with any organization.

Employees violating this policy shall be subject to disciplinary actions as defined in their respective labor contracts. Employees not covered by a labor contract shall receive a three-day suspension without pay for a first offense and termination of employment for a second offense. Employees who commit a second offense and/or are convicted of criminal drug offenses may avoid termination by agreeing to a rehabilitation program approved by JCC. A subsequent offense following rehabilitation will result in termination.

Any student organization which authorizes such conduct as noted above will be immediately ejected from campus and further action may result in rescission of permission for that organization to operate on campus property.

Students violating this policy shall be subject to the judicial procedures and sanctions, up to and including expulsion, which are outlined in the student constitution. Copies of the constitution are available in the campus life office, the office of the vice president of student development, the vice president's office on the Cattaraugus County Campus, and the directors' offices at the North County center. These judicial procedures shall be implemented in a fair and consistent manner, with consideration given to the circumstances and severity of the offense, and the disciplinary history of the student.

In compliance with federal law, any faculty member, staff member, or student employee convicted of any criminal drug statute violation which has occurred in or on the workplace premises, is required to notify JCC within five (5) calendar days following such conviction. JCC is obligated to notify the appropriate federal contracting agency, if applicable, within ten (10) days of receipt of notice of an employee conviction.

JCC shall make good faith efforts to establish and maintain a drug free environment and shall provide an awareness program for the college community informing employees and students of the dangers of drug and alcohol use and the availability of rehabilitation programs.

A New York state permit to sell alcohol must accompany sale of any alcoholic beverages on campus. Any non-affiliated group or individual requesting the sale or distribution of alcohol on campus will be required carry the necessary permits, liability insurance coverage, and to name JCC as additional insured.

Any individual or group interested in serving alcohol on college property must complete an application stating type of event, type of alcohol expected to be served (i.e. beer, wine, and/or liquor), and an agreement to assume all responsibility for verifying the age of persons consuming alcohol. This application will be forwarded to the vice president of administration for approval. Consumption of alcohol without permission from the vice president of administration is forbidden. Such permission will not be granted for events in which there will be a preponderance of attendees under age 21. Permission will required that the person(s) serving alcohol will be responsible for checking proof of age and shall have the right to refuse serving alcohol to any individual who appears to be intoxicated. Bartenders may be required for any function serving alcohol at the discretion of the vice president of administration. Non-alcoholic beverages shall be provided at all events at which alcohol is served.

The Effects of Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol may

also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. Also, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Federal Penalties & Sanctions - Illegal Possession, Controlled Substance

21 U.S.C. 844 (a)

- 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881 (a) (4)

- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

- Civil fine of up to \$10,000 (pending adoption of final agreement).

21 U.S.C. 853a

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922 (g)

- Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc. are vested within the authorities of individual federal agencies.

Note: These are only federal penalties and sanctions. Additional state penalties and sanctions may apply.

New York State Penal Law

Articles 220 and 221 of the Penal Law are directly aimed at unlawful traffic in mind-affecting drugs. They are compatible with the Public Health Law and the provisions of the latter are often cross referenced in the Penal Law sections that deal with the different drugs.

Articles 220 and 221 set criminal penalties for possession or sale of drugs considered harmful or subject to abuse. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold. The table of penalties in this publication was derived from those statutes.

Marijuana has been placed in Article 221 and separately dealt with in the Penal Law, as a result of the Marijuana Reform Act of 1977. That statute made the penalties upon conviction of use of small amounts of marijuana less severe than formerly.

Specific sections of interest in Article 220 follow:

Section 220.44 - makes a sale of a controlled substance in or near school grounds, to a person less than 19 years of age, a Class B felony.

Section 220.45 - makes criminal possession of a hypodermic instrument a Class A misdemeanor.

Section 220.46 - makes criminal injection of another person with a narcotic drug, with consent of that person, a Class E felony.

Section 220.50 - bans possession or sale of drug paraphernalia; deals with things that dilute drugs, like dextrose or mannite; and gelatin capsules, plastic envelopes, etc., considered commercial preparation materials (Class E felony).

Section 220.60 - makes criminal possession of certain "precursors" of controlled substances used in their preparation or manufacture, but not the drugs themselves, a Class E felony (for example, ergot or dissimilate).

It is important to be aware that under the Penal Law, a gift of drugs, including marijuana, is treated as a sale.

New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

New York Law: Illegal Sale or Possession of Alcohol

1. **Unlawfully Dealing with a Child:** It is unlawful to give or sell alcohol (or cause it to be given or sold) to a person under the age of 21. This is a Class B misdemeanor. The penalty could be up to three months imprisonment and a \$500 fine.
2. **DWI: Driving While Intoxicated** (by drugs or alcohol) is a misdemeanor punishable by up to a year imprisonment and a fine of up to \$500.
3. **DWAI: Driving While Ability Impaired** by Alcohol is a violation punishable by up to 15 days imprisonment and a fine of up to \$350.
4. **Liability of One Serving a Person under Age 21:** Anyone who furnishes or assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
5. **Dram Shop Liability:** Any person who sells alcoholic beverages or unlawfully assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
6. **Fraudulent Documents:** It is in violation of state law for a person under the age of 21 years to present false evidence of age to procure alcoholic beverages. Possessing such false evidence may also be criminal possession of a forged instrument within the meaning of the penal law. The penalty for using fraudulent means to obtain alcoholic beverages may include probation up to a year and a fine of up to \$100.

For more information about laws regarding alcohol and drugs, visit www.sunycc.edu

Where to Turn for Help with Problems of Alcohol or Drug Abuse on Campus:

The counseling center and health center at both the Jamestown and Cattaraugus County campuses stand ready to assist students and employees with alcohol or drug-related problems.

The services which follow are available to individuals in the greater Jamestown and Olean areas. JCC has no official relationship with any of these organizations and, therefore, cannot endorse or bear any responsibility for the services which they provide.

In the Olean area:

Alcoholics Anonymous

201 N. Union St., Olean, NY 14760716.372.4800

Allegany Council on Alcoholism and Substance Abuse

76 Park Ave., Wellsville, NY 14895585.593.6738

Cattaraugus County Council on Alcoholism and Substance Abuse

201 S. Union St., Olean, NY 14760 716.373.4303

Cattaraugus County Mental Health Dept.

Delaware Park Center, Olean, NY 14760 716.372.0208

Sexual Violence Prevention

JCC prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber stalking. Please refer to the definitions on pages 37-44 for a complete list of terms and prohibited acts.

JCC believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. JCC provides a wide variety of awareness programs and engages in ongoing preventions and awareness campaigns for the campus community throughout the year. These programs as well as primary prevention and risk reduction programs are an ongoing effort that are provided by several campus offices including but limited to Campus Life, Residence Life, Campus Safety... JCC provides comprehensive programming for all incoming and transfer students, student leaders, athletes, student residents and educates them about the awareness and prevention programs the college has to offer. We use a variety of best practices that are aimed at educating the entire college community to decrease violence and maintain a culture where sexual assault and acts of violence are not tolerated. JCC accomplishes this continuing education through student onboarding and ongoing education. The training, education and awareness is provided to students, faculty and staff through: welcome messages, peer theaters (skits), in-person training, online training, Student Success courses, posters, JCC website, faculty and staff development days and other programming venues.

These JCC policies apply to all members of the JCC community including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct that occurs on the college campus which includes any building or property owned or controlled by JCC and used in direct support of or in a manner related to the college's educational purposes including residence halls and public property immediately adjacent to and accessible from campus. This policy also covers conduct that takes place off-campus that may have a nexus to the college community. This applies to all educational, extracurricular, athletic, or other campus programs, all college-related activities including, but not limited to, student organizations (academic, multicultural, religious, service, social and support, sports and recreational), community organizations with students and/or faculty participation, and all other educational or extracurricular events hosted by or at the college.

This also applies to incidents occurring between individuals in varying types of relationships – students, faculty, staff, visitor, contracted employee, supervisor, subordinate, coach, student athlete or any combination thereof. These acts may be committed against an individual or against a group or organization and by a stranger, acquaintance, or someone with whom the victim has a social, romantic or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

To promote a safe and secure campus environment and prevent acts of sexual misconduct, the college provides ongoing prevention and awareness educational programs. Programs on these topics are specifically provided for all incoming students and new employees. In addition, all members of the College community are encouraged to participate throughout the year in ongoing trainings on this subject.

Students' Bill of Rights

The State University of New York and Jamestown Community 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-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

- 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 from 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 institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution;
- 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 College.

Bystander Intervention is a major component of the JCC prevention and awareness program. A bystander is: “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 an institution.” JCC educates and encourages “bystanders” to get involved to prevent these acts from occurring.

How to be an Active Bystander - Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are not directly involved but have the choice to intervene, speak up, or do something about it. JCC wants to promote a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. A bystander may not always know what to do even if (s)he wants to help so below is a list of some ways to be an active bystander.

- If you or someone else is in immediate danger, dial 911.
- Watch out for your friends, fellow students and employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who segregate, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Direct or refer someone who discloses sexual assault, abusive behavior, or experience with stalking to the Title IX Coordinator.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Sexual Assault and the Law: What You Should Know

Sexual assault can happen anywhere, at any time, to anyone - male or female. Sexual assaults can occur at campus parties, in student apartments, in parking lots, and on jogging trails. Sexual assault can occur at any time of the day. Most sexual assaults are committed by someone known to the victim/reporting person. In the eyes of the law and College policy, a person who is incapacitated or underage CANNOT consent to sexual activity. The age of consent in New York is 17 years old. The definition of consent is “clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activity.”

JCC has programs in place to protect all members of the JCC community from sexual assault, including programs for prevention and prosecution of these crimes that occur on JCC property. New York state law contains the following legal provisions defining the crimes related to sexual assault:

Factors Contributing to Acquaintance Rape

Several factors may contribute to the occurrence of acquaintance rape. Some common to college campuses are: use of alcohol or other drugs; ineffective communication between people; ignoring your own feelings when you become uncomfortable or unsafe; and lack of forethought about your sexual desires and limits. We encourage you to discuss these factors with both men and women to gain a clearer understanding of what you consider appropriate sexual conduct. Time spent in communication may help you and others to avoid much pain and remorse.

If you are sexually or otherwise assaulted on campus:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence; do not bathe, douche, or change your clothes.
- Contact 911 in an emergency, or use a Blue Light or other campus phone.
- Remember, assaults – sexual or otherwise – are crimes; they are not the victims’ fault.

Incidents of sexual assault involving students should be reported to the Title IX Coordinator, who will advise the vice president of student development of the incident. Sexual assaults involving faculty and staff should be reported to the Title IX Coordinator, who will advise the director of human resources of the incident.

All incidents on the Cattaraugus County Campus should be reported to the campus vice president and all incidents at the North County Center should be reported to the director of the center. The Title IX Coordinator will be notified of all Title IX offenses reported.

Barry Swanson is the Jamestown Community College Title IX Coordinator/Coordinator of Campus Safety and Security. His office is located in the Hamilton Collegiate Center and he can be contacted at: 716.338.1015 or by email: barryswanson@mail.sunycc.edu

Paula Snyder is the Deputy Title IX Coordinator and Director of the Campus Health Center. Her office is located in the College Center at the Cattaraugus County Campus and she can be contacted at: 716.376.7569 or by email: PaulaSnyder@mail.sunycc.edu

The college will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the college's priority.

Assistance for any other personal or academic concerns will be reviewed and options provided.

What can a Reporting Person expect?

- Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
- JCC will assess immediate safety needs of complainant
- JCC will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
- JCC will provide complainant with referrals to on and off campus mental health providers
- JCC will assess need to implement interim or long- term protective measures, such as housing changes, change class schedule, “No Contact” directive between both in parties
- JCC will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
- JCC will provide information on how to apply for Protective Order
- JCC will provide a copy of the Sexual Violence Response Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
- JCC will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
- JCC will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at JCC is of utmost importance. JCC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. JCC strongly encourages students to report

incidents of 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 JCC officials or law enforcement will not be subject to JCC's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Crimes of Sexual Misconduct – Confidentiality, Reporting Protocol, Investigating Allegations, Applicability, Victim Assistance (including dating violence, domestic violence, sexual assault, and stalking)

JCC strongly encourages accurate and prompt reporting of these crimes. Filing a report of sexual assault, domestic violence, dating violence, stalking, and/or talking to the Title IX Coordinator can assist victims in obtaining information, provide support and assistance to the victim as well as ensuring campus safety.

Barry Swanson is the Jamestown Community College Title IX Coordinator/Coordinator of Campus Safety and Security. His office is located in the Hamilton Collegiate Center and he can be contacted at: 716.338.1015 or by email: barryswanson@mail.sunycc.edu

Paula Snyder is the Deputy Title IX Coordinator and Director of the Campus Health Center. Her office is located in the College Center at the Cattaraugus County Campus and she can be contacted at: 716.376.7569 or by email: PaulaSnyder@mail.sunycc.edu

Reports will be investigated in accordance with JCC policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she utilize the Silent Witness process anonymously to report the situation and access available options at: <https://www.sunycc.edu/student-life/campus-safety/silent-witness-form>

Options for Confidentially Disclosing Sexual Violence:

The State University of New York and Jamestown Community 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. In this Policy:

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.

- Privacy versus Confidentiality.
- Requesting Confidentiality: How JCC Will Weigh the Request and Respond.
- Anonymous Disclosure.
- Institutional Crime Reporting.

Privileged and Confidential Resources:

Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At JCC, this includes:

- JCC's Counseling and Career Center: 716.363.6500 for the North County Center Contact the Counseling Center. <https://www.sunyjcc.edu/student-life/student-services/counseling>
- JCC Health Office - licensed medical professionals: 716.338.1013 for Jamestown – Hamilton Collegiate Center; 716.376.7569 for Cattaraugus – Student Center. <https://www.sunyjcc.edu/student-life/student-services/college-health-ser...>

Jamestown Community College has partnered with the off-campus/community agencies listed below for options to disclose sexual violence confidentially as well as provide support, advocacy and confidential advisor services to members of the campus community (note that these outside agencies do not provide any information to the campus unless authorized to do so by the “reporting person” by signing a consent or waiver form with that agency.):

- **The Salvation Army Anew Center** – Stacey Tanner, Director of Human Services, 83 S. Main St., Jamestown, NY 14702 716.664.6567 (office) and 800.252.8748 (Hot Line).
- **Cattaraugus Community Action** – Amy Maitland, Director of Cattaraugus Community Action Victim Services & Rape Crisis Program, 25 Jefferson St., Salamanca, NY 14779 716.945.1041 X119 (Office) and 888.945.3970 (Hot Line).
- **Southern Tier Health Care Systems:**
 - **Chautauqua County Sexual Assault Nurse Examiner (SANE) Services** – WCA Hospital (Emergency Room), 207 Foote Ave., Jamestown, NY 14701 716.664.8120.
 - **Cattaraugus County Sexual Assault Nurse Examiner (SANE) Services** – Olean General Hospital (Emergency Room), 515 S. Main St., Olean, NY 14760 716.372.6275
- Note: Inquire with the agency relative to that agency's office and insurance billing practices release of 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/survivors

for health care and counseling services, including emergency compensation. More information may be found here:

<https://ovs.ny.gov/> or by calling 1.800.247.8035

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.

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you and will keep your information private. These individuals are not considered confidential resources as discussed above and are required to report the incident including the nature, date, time, and general location of an incident to JCC's Title IX Coordinator.

At Jamestown Community College, this includes certain members of JCC's Counseling and Career Center: 716.338.1007 for Jamestown – Hamilton Collegiate Center; 716.376.7508 for Cattaraugus – Student Center; 716.363.6500 for the North County Center.

<https://www.sunycc.edu/student-life/student-services/counseling>

Privacy versus Confidentiality:

JCC employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns, spotting systemic issues and statistical reporting. Jamestown Community College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How JCC Will Weigh the Request and Respond:

If you disclose an incident to a JCC employee they are responsible for reporting incidents of domestic violence, dating violence sexual assault, stalking, sexual harassment, but if wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the office of the Vice President for Student Development (Hamilton Collegiate Center, 716.338.1025,

eileengoodling@mail.sunyjcc.edu) can serve as a primary point of contact to assist with these measures. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless JCC's failure to act does not adequately mitigate the risk of harm to you or other members of the JCC community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

Jamestown Community College officials will consider many factors to determine whether to proceed despite a request for confidentiality or denial to have the college investigate the incident. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If JCC determines that it must move forward with an investigation, the reporting individual will be notified and JCC will take immediate action as necessary to protect and assist them.

JCC does not employ pastoral counselors.

Reporting a crime to the police or to a campus office does not obligate the victim to pursue criminal prosecution. For students, in addition to criminal charges, sexual misconduct is prohibited conduct as specified in the JCC's *Student Code of Conduct* found at: <http://www.sunyjcc.edu/files/JCCstudent%20constitution.pdf> Both the victim and the accused are afforded equitable rights during the investigative process.

Investigating reported incidents:

*Jamestown Community College will make every effort to complete an investigation within 60 days of a reported incident of: domestic violence, dating violence, sexual assault or stalking. JCC will comply with requests from law enforcement to delay the college investigation when the investigating law enforcement advises that moving forward with the college investigation may jeopardize the criminal investigation and subsequent prosecution of the case.

Procedures for Handling Allegations of Misconduct

For minor infractions, an attempt will be made by the faculty member or administrator involved to rectify the misconduct problem on an informal basis.

The JCC conduct proceeding is not a trial; any attempt to make it such will impair its educational function in which open discussion, rather than adversarial debate, is sought.

In more complicated cases or in cases where the student chooses to appeal the initial faculty or administrative action, appeal will be made to the vice president of student development. In strictly student versus student conflicts, the offended sides shall bring the case to the vice president of student development.

In judicial cases involving sexual harassment, sexual violence, domestic violence, dating violence, and stalking, the following student conduct process will apply:

- To file student conduct charges against the accused, conduct proceedings are governed by the procedures set forth in the JCC Code of Conduct as found in the JCC Constitution of the Student Body <http://www.sunyjcc.edu/files/JCCstudent%20constitution.pdf> as well as federal and New York state law, including the due process provisions of the United States and New York State constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties through the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their 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, impartiality, the rights of the respondent including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference

to the specific code of conduct provisions alleged to have been violated, and possible sanctions.

- The right to have a 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 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available evidence held by JCC.
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college 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.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- 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.
- The right to have access to a full and fair record of a student conduct hearing which shall be preserved and maintained for at least five years.

- JCC's vice president of student development is the college judicial officer and is located in the administration wing, Hamilton Collegiate Center, 525 Falconer St., Jamestown, NY 14702 (716.338.1025).
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right 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.
- Appeal of a Judicial Decision - Upon request, either party may appeal the decision of the vice president of student development or the vice president's designee to the hearing panel.

A detailed procedure of the disciplinary procedure and possible sanctions that may be imposed are available for review in the Student Constitution:

<http://www.sunyjcc.edu/sites/default/files/JCCstudent-constitution.pdf>

Disciplinary Action

Victims have the right to pursue adjudication of crimes that occur on JCC property through criminal courts and/or through the college's internal disciplinary process.

Students violating this policy shall be subject to the judicial procedures and sanctions that are outlined in the Constitution of the Student Body. Where there is a preponderance of evidence to believe the college's policies prohibiting sexual misconduct have been violated, the college only has the options of suspension or expulsion of the accused. Employees violating this policy shall be subject to disciplinary actions as defined in their respective labor contracts or human resource policies and procedures.

An individual charged with sexual misconduct will be subject to college disciplinary procedures, whether or not prosecution under New York state criminal statutes is pending.

Information and Support

If you are the victim of sexual assault or sexual misconduct, you may seek support services as well as the assistance described above.

If You Need Counseling or Support Services

In addition to the resources listed below victims can find Sexual Assault & Violence Response Resources at: [SUNY Sexual Assault & Violence Resource \(SAVR\)](#)

On Campus:

Cattaraugus County Campus Health Center.....716.376.7569/7515 or 716.490.0400 cell phone
Counseling and Career Planning Center - Cattaraugus County Campus..... 716.376.7508

Off-Campus:

- Cattaraugus Community Action.....716.945.1041
- Catholic Charities of Olean.....716.372.0101
- Crime Victims Compensation Board.....1.800.247.8035

If You Need Medical Attention

On Campus:

Cattaraugus County Campus Health Center.....376.7569/7515 or 716.490.0400 cell phone

Off-Campus:

Olean General Hospital.....716.373.2600 general or 716.372.6275 emergency

Resolution of Human Rights/Affirmative Action Issues

Human Rights Officer Nickey Riczker, Collegiate Center, Jamestown Campus,
.....716.338.1035

.....*Ms. Riczker is also Affirmative Action Officer*

Human Rights Assistant Paula Snyder, College Center, Cattaraugus County Campus
.....716.376.7569

Bias Crimes and the Law

It is a mandate of JCC to protect all members of the JCC community by preventing and prosecuting bias or hate crimes that occur on our campuses and extension center sites. Hate crimes, also called bias crimes or bias-related crimes, are criminal activity 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, national origin, gender, sexual orientation, or disability.

For the purposes of collecting statistics, Congress has defined a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin or sexual orientation.”

New York State Penal Article 485.05 defines a Hate Crime as:

A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

A specified offense is an offense as defined by any of the following provisions of the New York State Penal Law:

- Assault in the third, second or first degree.
- Aggravated assault upon a person less than eleven years old.
- Menacing in the first, second or third degree.
- Reckless endangerment in the second or first degree.
- Manslaughter in the second or first degree.
- Murder in the second degree; stalking in the fourth, third second or first degree.
- Rape in the first degree.
- Criminal sexual act in the first degree.
- Sexual abuse in the first degree.
- Aggravated sexual abuse in the second or first degree.
- Unlawful imprisonment in the second or first degree.
- Kidnapping in the second or first degree.
- Coercion in the second or first degree.
- Criminal trespass in the third, second or first degree.
- Burglary in the third, second or first degree.
- Criminal mischief in the fourth, third, second or first degree.
- Arson in the fourth, third, second or first degree.
- Petit larceny.
- Grand larceny in the fourth, third, second or first degree.
- Robbery in the third, second or first degree.
- Harassment in the first degree.
- Aggravated harassment in the second degree.
- Any attempt or conspiracy to commit any of the foregoing offenses.

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, JCC also assists 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 College as acts of bigotry, harassment, or intimidation directed at a member or group within the JCC community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through JCC's human rights/affirmative action complaint procedure or the student constitution. Bias incidents should be reported to the human rights/affirmative action officer located in the Hamilton Collegiate Center or by calling 716.338.1035. The human rights/

affirmative action officer will investigate and follow the appropriate procedures, bringing local police in where required.

Penalties for Commission of Bias Related Crimes: New York State Penal Law 485.10 Sentencing

1. When a person is convicted of a hate crime pursuant to this article and the specified is a violent felony offense, as defined in section 70.02 of the NYPL, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a Class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense that the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
 - a. The maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYPL.
 - b. The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYPL.
 - c. The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYPL.
 - d. The max term of the indeterminate sentence or term of the defendant sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYPL.
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a Class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.

Students who commit a bias related crime will also be subject to disciplinary action by the college.

The New York Law is available from the Coordinator of Campus Safety and Security located in the Hamilton Collegiate Center or by calling 716.338.1015, or on JCC's website, www.sunyjcc.edu, or at: <http://nyscriminallaws.com/penal.law/article485.htm>

If you are a victim of, or witness to, a hate/bias crime on campus report it to the Coordinator of Campus Safety and Security at ext. 1015 or by calling 911 in an emergency, using a Blue Light or other campus phone. The Coordinator of Campus Safety and Security will investigate, bringing local police in where required.

Victims of bias crime or bias incidents can avail themselves of medical and/or counseling and support services as follows:

If You Need Counseling or Support Services

On Campus:

Cattaraugus County Campus Health Center716.376.7569/7515 or 716.490.0400 cell phone

Counseling and Career Planning Center -

Cattaraugus County Campus716.376.7508

Off-Campus:

Cattaraugus Community Action716.945.1041

Catholic Charities of Olean716.372.0101

Crime Victims Compensation Board.....800.247.8035

Further Information - Further information about campus safety and security can be obtained from the Coordinator of Campus Safety and Security in the human resources office in the Hamilton Collegiate Center or by telephone at 716.338.1015.

Human Rights/Affirmative Action Complaint

A human rights/affirmative action complaint is a claim by an employee, prospective employee, student, prospective student, or a group of same, based upon a claimed violation of the affirmative action policy of JCC, or a claimed violation of state or federal human rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975 and the Sexual Orientation Non-Discrimination Act of New York State. The affirmative action policy states that JCC does not discriminate on the basis of color, sex, sexual orientation, race, creed, national origin, age, marital status, veteran status, or disability. This policy applies to access to all activities and programs under JCC sponsorship, as well as to application and selection for admission, employment, and all other human resource procedures within JCC.

The following procedure shall be followed to resolve a human rights/affirmative action complaint. This procedure may be followed in addition to any union complaint.

The complainant shall discuss the complaint informally with JCC's human rights officer, Nickey Riczker (ext. 1035) in the Collegiate Center on the Jamestown Campus. If the claim is not resolved at this stage:

- A. A written complaint, which includes information pertaining to the incident and the outcome desired by the complainant, should be submitted to the human rights officer. A written complaint must be filed within the statute of limitations for the complaint: within one year of the alleged incident for state complaints and within 300 days for federal complaints.
- B. The human rights officer shall conduct a preliminary investigation and discuss the issue with the parties involved, either individually or in a joint meeting.
- C. Within 20 working days after the filing of the written complaint, the human rights officer shall render a decision in writing to the complainant.

- D. If the complainant, or the respondent, is not satisfied with the written decision, and wishes to proceed further, he/she shall, within 10 working days, file a written appeal of the decision with the human rights committee.
- E. Within 15 working days, the human rights committee of JCC will appoint a panel consisting of impartial representatives chosen from the faculty, administration, staff, or student body.
- F. A hearing shall take place within 30 working days of the date the written appeal was filed at a time and place agreeable to both parties.
- G. The hearing panel shall render a decision in writing to both parties within 10 working days after the end of the hearing. Included in the panel's decision of validity shall be a statement of recommended disciplinary action, if warranted. Such disciplinary action is dependent upon the nature of the violation and may vary from the minimum of a written letter describing the violation placed in the violator's file to a maximum of dismissal from the institution.
- H. If the complainant, or the respondent, is not satisfied with the written decision and wishes to proceed further, he/she may take the complaint to the civil rights agency of his/her choice, or seek other legal remedies.

Registered Sex Offenders

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (in New York, it is the Division of Criminal Justice Services) to notify Jamestown Community College regarding sex offenders who have indicated that they are enrolled, employed or residing at JCC.

The Coordinator of Campus Safety and Security maintains a file of notices from the Department of Criminal Justice Services pertaining to sex offenders who have indicated that they are either enrolled, employed or residing at JCC. The College is required to inform the campus community that a list of all registered sex offenders in New York State is available from the New York State Division of Criminal Justice Services. Information can be obtained by calling DCJS at 1-800-262-3257 or <http://www.criminaljustice.ny.gov/nsor/>

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000 and New York State Corrections Law 6-C.

Missing Persons

This policy applies to students who reside in campus housing – defined as Hillside Suites North, South, and West. The purpose of this policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act.

For purposes of this policy, a student will be considered missing, if a roommate, classmate, faculty member, family member, or other campus person has not seen the person in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals will also be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety.

Procedures for designation of emergency contact information - Students age 18 and older and emancipated minors – Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the college “in case of emergency.” In the event a student is reported missing, college personnel will attempt to contact his/her emergency designee no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. An emergency contact designee will remain in effect until changed or revoked by the student.

Students under the age of 18 – In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

Official notification procedures for missing persons - Any individual on campus who has information that a residential student may be a missing person must contact a member of the residence life staff within that student's residence hall as soon as possible. Residence life staff will then notify the vice president of student development. Note: If a commuter student is believed missing, the reporting person should immediately notify local law enforcement authorities. The campus safety office will assist outside agencies with these investigations as requested.

Residence life staff and the campus safety officer will gather information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.

If the above actions are unsuccessful in locating the student within four hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the vice president of student development will contact the Jamestown Police Department to report the student as a missing person and the local law enforcement agency will take over the investigation.

No later than 24 hours after determining that a residential student is missing, the vice president of student development, or her designee, will notify the emergency contact (for students 18 and older) or the parent/guardian (for students under the age of 18) that the student is

believed to be missing.

Campus communications about missing students - In all cases of a missing student, the law enforcement agency conducting the investigation will provide information to the media that is designed to obtain public assistance in the search for any missing student. The vice president of enrollment, marketing, and communications, or his designee, is available to provide consultation on communication with the investigating law enforcement agency. Any media requests to the college will be directed to the vice president of enrollment, marketing, and communications.

Crime Definitions (Federal)

The Campus Security Act also delineates what violations need to be reported. The offense definitions are excerpted from the Uniform Crime Reporting Handbook. The definitions of sex offenses are excerpted from the national incident-based reporting edition of the Uniform Crime Reporting Handbook (FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS) definitions).

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).

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.

Burglary: The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Criminal Homicide, Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide, Murder and Non-Negligent Manslaughter: the willful killing of one human being by another.

Drug Abuse Violations: violations of state and local laws related to possession, sale, use, growing or manufacturing of narcotic drugs, marijuana, or other controlled substance.

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; all attempts to commit any of the aforementioned (Drunkenness and driving under the influence are not included in this definition).

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).

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.

Weapons Law Violations: The violation of laws or ordinances dealing with weapons 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.

Sex offenses

Forcible: any sexual act directed against another person, forcible and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent.

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.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age (age of consent in NYS is 17) or because of his/her temporary or permanent mental incapacity.

Sexual Offenses

Non-forcible: Unlawful, non-forcible sexual intercourse.

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

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

Crime Definitions (NYS)

Consent: "Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as

those words or actions create clear permission regarding willingness to engage in 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."

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

Dating Violence: Any act of 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 victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Domestic Violence: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

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

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

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

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

Rape in the Third Degree: When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

Rape in the First Degree: When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically

helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

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

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

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

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

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

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

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

Sexual Abuse in the First Degree: When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being

physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

Aggravated Sexual Abuse: For the purpose of this next section, conduct performed for a medical purpose does not violate the provisions of this section.

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

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

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

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

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

Sexual Abuse in the Third Degree: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of

being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

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

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

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

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

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

Stalking in the Third Degree: When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or

alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

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

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

JAMESTOWN COMMUNITY COLLEGE – CAMPUS CRIME STATISTICS-CATTARAUGUS COUNTY CAMPUS

Category		2016				2015				2014			
General Cattaraugus County Campus		On Campus	In or on a non-campus building or property	Public Property	Residence Halls**	On Campus	In or on a non-campus building or property	Public Property	Residence Halls**	On Campus	In or on a non-campus building or property	Public Property	Residence Halls**
Homicide													
* Murder & Non-negligent manslaughter		0	0	0		0	0	0		0	0	0	
* Negligent Manslaughter		0	0	0		0	0	0		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	
Sex Offenses													
* Forcible		0	0	0		0	0	0		0	0	0	
* Non-forcible		0	0	0		0	0	0		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	

JAMESTOWN COMMUNITY COLLEGE – CAMPUS CRIME STATISTICS-CATTARAUGUS COUNTY CAMPUS													
Category		2016				2015				2014			
General Cattaraugus County Campus		On Campus	In or on a non-campus building or property	Public Property	Residence Halls**	On Campus	In or on a non-campus building or property	Public Property	Residence Halls**	On Campus	In or on a non-campus building or property	Public Property	Residence Halls**
Robbery		0	0	0		0	0	1		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	
Aggravated Assault		0	0	1		0	0	0		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	
Burglary		0	0	1		0	0	1		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	

JAMESTOWN COMMUNITY COLLEGE – CAMPUS CRIME STATISTICS

Category		2016				2015				2014			
		On Campus	In or on a non-campus building or property	Public Property	Residence Halls	On Campus	In or on a non-campus building or property	Public Property	Residence Halls	On Campus	In or on a non-campus building or property	Public Property	Residence Halls
General Cattaraugus County Campus													
Motor Vehicle Theft		0	0	0		0	0	0		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	
Arson		0	0	0		0	0	0		0	0	0	
Hate Crimes (Of the crimes listed, this number of crimes were committed as a results of prejudice.)	Race	0	0	0		0	0	0		0	0	0	
	Gender	0	0	0		0	0	0		0	0	0	
	Religion	0	0	0		0	0	0		0	0	0	
	Sexual Orientation	0	0	0		0	0	0		0	0	0	
	Ethnicity	0	0	0		0	0	0		0	0	0	
	National Origin	0	0	0		0	0	0		0	0	0	
	Disability	0	0	0		0	0	0		0	0	0	
Any Other Crimes Involving Bodily Injury													
Hate Crimes		0	0	0		0	0	0		0	0	0	
Liquor Law													
Judicial Referrals		0	0	0		0	0	0		0	0	0	
Arrests		0	0	0		0	0	0		0	0	0	
Drug Law													
Judicial Referrals		0	0	0		0	0	0		0	0	0	
Arrests		1	0	3		0	0	1		0	0	0	

JAMESTOWN COMMUNITY COLLEGE – CAMPUS CRIME STATISTICS

Category	2016				2015				2014			
	On Campus	In or on a non-campus building or property	Public Property	Residence Halls	On Campus	In or on a non-campus building or property	Public Property	Residence Halls	On Campus	In or on a non-campus building or property	Public Property	Residence Halls
General Cattaraugus County Campus												
Illegal Weapons Possession												
Judicial Referrals	0	0	0		0	0	0		0	0	0	
Arrests	0	0	0		0	0	0		0	0	0	

Violence Against Women Act (VAWA) Crimes	On Campus			Non-Campus Buildings			Public Property		
	2016	2015	2014	2016	2015	2014	2016	2015	2014
Stalking	0	0	0	0	0	0	1	0	0
Domestic Violence	0	0	0	0	0	0	4	14	1
Dating Violence	0	0	0	0	0	0	0	0	0

*** There are no residence halls for the Cattaraugus County Campus.
 Year reflects period from January 1 through December 31
 Statistical data for 2016 reflects criminal activity on public property adjoining, or adjacent to Jamestown Community College property.*

Jamestown Community College is sponsored by a regional board of trustees representing Cattaraugus County, Chautauqua County, and the City of Jamestown. Jamestown Community College does not discriminate on the basis of color, sex, sexual orientation, race, creed, religion, national origin or citizenship, age, marital status, military status, disability, family status, domestic violence victim status, arrest or conviction record, or predisposing genetic characteristics. This policy applies to access to all activities and programs under the college sponsorship as well as to application and selection for admission, employment, and all other personnel procedures within the college. This material can be made available in alternative media upon request for those with disabilities. Accommodations for those with disabilities can be arranged upon request.

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