



## **Right to Know: 2011-12**

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# CAYUGA CAMPUS SAFETY ACT REPORT

This report is filed as required by the federal "Crime Awareness and Campus Security Act," (hereafter referred to as the Campus Safety Act) which was last amended in 1998. The purpose of this report is to provide our faculty, staff, and students with campus safety information including crime statistics and procedures to follow to report a crime. The report is prepared by the Director of Student Development and the Director of Public Safety/Chief. Any questions regarding this report should be directed to the Director of Public Safety/Chief, Room M211, Main Building, or phone (315) 255-1743, ext. 2411.

## **The Campus Sex Crime Prevention Act**

The Campus Sex Crime Prevention Act of 2000 and New York's "Megan's Law" require the state's Division of Criminal Justice Services to inform college campuses when a registered sex offender is enrolled or employed. Any member of the college community may request information about registered sex offenders by contacting Mr. William Marventano, Director of Public Safety/Chief at (315) 255-1743, ext. 2411.

## **Campus Personal Safety Committee**

Recognizing the serious statewide and national problem that exists in assuring college student's safety on the campuses they attend, particularly for women, a Personal Safety Committee was formed in 1991 and was given a specific charge.

The Personal Safety Committee reviews policies with regard to sexual assault; review and suggest improvement in the safety education programs; assess availability of counseling services for crime victims; review victim referral and campus response procedures for sexual assault situations; and continue ongoing assessment for the quality of campus personal safety policies, practices, procedures, and programs. Since 1991 the committee has also become the venue for staff and students to present concerns regarding other campus safety issues, including environmental concerns, smoking policies, and other physical safety concerns. The committee meets at least once a year and forwards a report annually to the College President.

The president of the Student Government Organization, the Chair of the Safety Committee and the Director of Public Safety/Chief submit nominations for the membership to the Personal Safety committee. The President of the College makes the final appointments. The committee is comprised of equal numbers of students, faculty, and staff; the committee is at least 50% female.

Students or employees may bring concerns or complaints to the attention of the committee by contacting the Director of the Academic Support Center or any other committee member, including the Director of Public Safety.

## **GENERAL SAFETY INFORMATION**

Cayuga is committed to providing a safe and secure environment for its students and employees. To date, the College has not experienced a significant number of crimes occurring on campus. We recognize, however, that only the maintenance of an effective campus safety policy and appropriate procedures for reporting safety and security problems and possible crimes can help minimize the risk of future criminal activity. The following information is provided in accordance with the Right to Know Act.

During the 2010 fall semester, approximately 4960 students (52.5% full-time and 47.5% part-time) were enrolled at Cayuga. Additionally, the College faculty comprised approximately 262 (59 full-time, 203 part-time).

The College currently requests information from students concerning felony convictions and dismissal from other colleges due to disciplinary reasons. A campus committee, as part of the admissions process, reviews this information. Cayuga students and staff have access to academic, recreational and administrative facilities on campus. There is, however, no on-campus housing. Additionally, the public is encouraged to attend on-campus cultural and recreational events.

The public can attend cultural and recreational events on campus with their access limited only to the facilities in which these events are held. To report any violations of this policy or to report suspicious persons, dial "0" for the campus switchboard.

## **College Policy on Campus Conduct and Public Order**

Cayuga Community College does not permit any action or situation, which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. This policy governs the conduct of students, faculty and staff, as well as visitors and other licensees and invitees on the campus or college property.

Violators of this policy will be held to the conduct process consistent to their relationship with the College. Student Violators will be subject to the conduct process outlined in the Student Handbook; employee violators will be subject to the disciplinary process of the relevant contract or employment agreement; invitee violators, including licensees, may be escorted from and barred from the campus. Campus organizations that violate this policy will face disciplinary action, including the possibility of rescission of permission for that organization to operate on campus property.

Cayuga Office of Public Safety

The Office of Public Safety consists of a full time Director of Public Safety/Chief and a full time Public Safety Officer II/Sergeant, 15 part time Public Safety Officer II's. The P/T Public Safety Officer II's are Officers that are employed from various Police agencies in Central New York. The Director of Public Safety/Chief, full time Public Safety Officer II/Sergeant and all P/T Public Safety Officer II's are armed, can make arrests and are responsible for the enforcement of federal, state and local laws as well as the college rules and regulations. The department provides a wide range of services for students, employees and visitors.

**Personal Escorts:** The Office of Public Safety will provide an escort to your vehicle if needed. To request this service, contact the campus switchboard operator by dialing "0" from any campus telephone or go in person to the central information desk located in the main lobby at the Auburn & Fulton Campus and request this service.

**Vehicle Assists:** If you lock your keys in your car or need assistance with jump-starts, the Office of Public Safety will assist you with unlocking or jump-starting your vehicle. To request a vehicle assist, contact the campus switchboard operator by dialing "0" from any campus telephone or go in person to the information desk located in the main lobby at the Auburn & Fulton Campus and request the service.

**Lost and Found:** If you have lost or found an item, please stop by the Campus Police Office, M 210, located just off the main lobby, and request their assistance. Fulton Campus go to the Office of Public Safety, F122.

**Emergency Messages:** The Office of Public Safety will take and deliver emergency messages. Examples of emergency messages include death or hospitalization of a family member or illness/injury of a child. Records are kept of these emergencies, so be prepared to give your name, phone number where you can be reached and a brief explanation of the emergency.

**Traffic and Parking Regulations:** The objective of our parking policies is to provide a maximum number of parking spaces for students, employees and visitors. Because the land devoted to parking is fixed, and the demand for space changes annually, these rules and their enforcement are necessary to ensure a free flow of traffic, and safe, available parking for all. Watch the signs that are posted in lots. Parking regulations are enforced daily. Vehicles that are improperly parked will be ticketed. Parking tickets are paid in the Auburn Memorial City Hall.

**Handicap Parking:** Vehicles displaying a valid handicap permit may park in the areas reserved for handicap parking. New York State handicap permits are available through City or Town Clerk's Offices. Vehicles not displaying a valid permit will receive a ticket. These parking spaces are reserved for handicapped parking every hour of the day, every day of the year, and it is not acceptable to park in these designated spaces for any other reason. These spaces are precious to those who need them and we take our responsibility seriously to keep these and all reserved spaces open for their intended occupants.

**Fire Lane:** There are fire lanes at various locations on campus: the circular driveways located in the front of the main building and the rear of the link as well as the rear driveway of the library and the bookstore. Fire lanes may not be used for short or long-term parking. The fire lane is designated for the placement of rescue vehicles during an emergency and must not, by law, be blocked by personal vehicles.

**Lawn:** Parking all or part of your vehicle on the lawn will result in a violation. During the wet months, parking creates ruts in the lawn and during dry weather, driving on the lawn compacts the soil.

**Disabled Vehicles:** A disabled vehicle may remain on campus for a maximum of two days, provided that the Office of Public Safety has been notified and has obtained the vehicle information. Abandoned vehicles will be towed at the owner's expense.

**Bicycles:** Bicycles must be parked in the racks that are provided near the main entrance to Spartan Hall and the Library. Bicycles may not be brought into any campus buildings. Feel free to bring a bike lock with you to secure your bike to the rack. Bicycles are not to be locked to light poles, railings, etc.

**Snowmobiles and ATV's:** These vehicles are not to be driven on campus at any time, unless authorized by the Office of Public Safety.

**Visitor Parking:** Visitors are defined as those persons who are neither employees nor registered students at the college. Students or employees are not permitted to park in reserved visitors parking spaces at any time.

**Speed Limit:** The speed limit on campus is 15 mph.

**Stop Signs:** Stop signs are located at various locations on campus. You are required to stop, then proceed safely through all stop signs on campus.

*Please remember parking and driving on campus is a privilege, not a right. As such, if circumstances warrant, this privilege may be revoked.*

**General Parking:** In addition to the parking lots adjacent to campus buildings, additional college parking is permitted in the Redeemer Lutheran Church parking lot on Prospect Street.

The College is in no way responsible for damage to, or property missing, from cars on campus, lockers, classrooms or offices, or other personal property, i.e., books, wallets, purses, etc.

All vehicles must be parked in compliance with existing signs and markings.

**Red Emergency Phones:** The College has installed five red emergency phones on campus located in the Men's Locker Room, Women's Locker Room, Main Building (2<sup>nd</sup> floor evacuation area), Technical Building (3<sup>rd</sup> floor evacuation area) and Library Building (lower level, evacuation area). These phones, to be used only to report a campus emergency, will connect the caller directly with the campus switchboard operator who can relay a message to the appropriate authority (ies). Also, the 2<sup>nd</sup> & 3<sup>rd</sup> floor stairwells of the Technical Building there is Push to talk intercoms which connect directly to the Campus Police Cell Phone. Any misuse of an emergency phone may result in disciplinary action. The campus switchboard operator may also be contacted by dialing "0" on any on-campus telephone. When classes are in session and the switchboard is not open, or during weekend classes and weekend library hours, Public Safety Officers may be reached by calling 246-4708 & on the Fulton Campus 246-0116.

Fulton Campus

**Emergency Protocol:** The Office of Public Safety, Local police, fire and medical personnel handle emergencies at the Fulton Campus. Faculty, staff and students are instructed to contact The Office of Public Safety for any emergency or call 911. If 911 is called directly it is imperative to notify the Office of Public Safety as soon as practical. The Oswego County 911 Center will dispatch off campus emergency personnel. The Director of Public

Safety/Chief must be notified at the Auburn Campus. In all cases of emergency, the Fulton Provost or his/her designee as well as the Public Safety Officer II/Sergeant must be notified as soon as practical.

**Parking:** Parking at the Fulton Campus is located in front of the Campus. Public Safety Officers and Local police patrol the parking area and issue parking violations for vehicles in violation of parking laws.

#### CRIME REPORTING

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. If you feel you are the victim of a crime or have witnessed a crime, you may contact campus police by dialing “0” from any campus telephone. If you are reporting an emergency, you may also utilize the emergency red phones located throughout the campus or the intercoms located in the 2<sup>nd</sup> and 3<sup>rd</sup> floor stairwells of the Technical Building. Upon receipt of a call, Public Safety Officers are dispatched to your location.

The Office of Public Safety also maintains a daily log of crimes and incidents that occur on campus that is available for the public to view. This information is recorded by date, time, and general location. This daily log is available at the Campus Public Safety Office, at either campus.

While most events are logged, the Office of Public Safety may determine that an incident be classified as “confidential” in order not to jeopardize a criminal investigation or the identity of a victim.

#### **Relationships With Other Police Departments**

##### **To report a campus crime – Auburn Campus**

If you witness or are the victim of a crime on campus, you should report it immediately to the Office of Public Safety. Officers on the Auburn Campus can be reached at extension 2461 or by calling the Officers cell phone 246-4708. If for some reason you are unable to contact the officer by these methods, stop by the Central Information Center just inside the entrance to the Main Building. The receptionist on duty has continual contact with Campus Public Safety Officers. Public Safety Officers are armed, can make arrests and will deal with all incidents on campus. All crimes will be prosecuted in accordance with local, state and federal laws.

Please note that these offices allow victims and witnesses to report a crime on a voluntary, confidential basis.

Victims of a sex offense will also be informed of their option to notify Auburn City Police and will be assisted by college personnel in notifying the police if desired. In Fulton, victims will also be informed of their option to notify Fulton City Police.

The campus police enforce laws regulating underage drinking and the use of controlled substances and weapons.

##### To report a crime – Fulton Campus

If you witness or are the victim of a crime on campus, you should report it immediately to the Office of Public Safety on the Fulton Campus. Public Safety Officers can be reached at extension 3067 or by calling the Officers cell phone 246-0116. If for some reason you are unable to contact the officer by these methods, stop by the Central Information Center just inside the Main Entrance. The receptionist on duty has continual contact with Campus Public Safety Officers. Public Safety Officers are armed, can make arrests & will deal with all incidents on campus. All crimes will be prosecuted in accordance with local, state and federal laws.

The Office of Public Safety will handle all incidents on campus. A record of the incident will be filed in the Office of Public Safety and with the Director of Public Safety/Chief. All crimes will be prosecuted in accordance with local, state, and federal laws.

***A listing of major area emergency numbers for Auburn and Fulton appears on pages 21,22,29, and 30 of this report.***

In the event of a major emergency or if there is an event which poses a threat to students, employees, or others, a “Campus Bulletin Alert” will be prepared and distributed: to all staff and faculty via on-campus mail, e-mail or voice mail. on a need-to-know-basis, students will be notified in class.

## POLICY ON DRUGS, ALCOHOL AND WEAPONS POSSESSION

Cayuga is committed to the development and maintenance of a drug-free environment. The College will not tolerate the unlawful possession, use, manufacture, distribution or dispensation of any controlled substance (drugs or alcohol) on College owned or controlled property. This policy is in accordance with the Drug Free School and Communities Act Amendments of 1989 (Public Law 101-226).

### **Alcohol Policy and Substance Abuse**

The use and possession of alcoholic beverages are not permitted on any and all locations operated by the College for employees, students, and visitors, except for an occasion expressly sponsored as such by the President's office and conforming to the following conditions:

Participation is limited to persons specifically identified and approved by the President's Office.

The serving of alcohol is covered by host liquor liability insurance, done by duly qualified and bonded personnel, and strictly limited to a designated location.

The occasion is not under either the direct or indirect auspices of a student or student affiliated organization.

Use, distribution or possession of illegal substances is not permitted on campus. Such use, distribution or possession is a violation of College regulations and is subject to action by the Faculty/Staff Student Conduct Board.

Weapons are prohibited on campus. Any student found carrying a weapon, concealed or otherwise, will be dealt with according to the statutes of the law and the College Student Conduct Policy. A license to carry a weapon does not constitute authority/permission to bring said weapon on campus. If no license for said weapon is held, criminal charges against the student may also be filed. With the exception of campus police officers or other law enforcement officials acting in the performance of their duties, use or manufacture of a firearm or other weapon, including explosives, firebombs, or other destructive devices are prohibited.

## CRIME PREVENTION ACTIVITIES

The College Safety Committee is primarily responsible for reviewing the campus for potential safety problems and making recommendations to upgrade campus health and safety. Comprised of a minimum of three administrators, three faculty members and three students, the committee meets regularly to review campus conditions and make recommendations for safety improvements. Among the committee's responsibilities are the evaluation of campus lighting and safety.

The Office of Public Safety sponsors various lectures and activities designed to provide information on ways to guard against campus crimes such as sexual assault. College courses in health (one credit required for all degree-seeking students) and personal defense, which are scheduled on a regular basis, provide additional information on safety and protecting oneself against crime. The College Health Services Office also has numerous brochures available relating to personal and public safety both on-and off campus.

Further, the information provided in this booklet is distributed to Cayuga students and employees on an annual basis.

## CAMPUS CRIME STATISTICS

In accordance with recent updates to the "Campus Safety Act," the following data are presented to review crime activity both on campus and on streets adjacent to campus property. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. A specific breakdown on offenses occurring on property and streets adjacent to the campus is included in this section. Three-year crime statistics charts are located on pages 40-91 of this document.

## **Student Code of Conduct, Discipline, and Conduct Review Process**

All members of the College community enjoy the rights that are guaranteed to them by federal and state laws, and must assume responsibilities implied by these rights. Students are expected to maintain standards of conduct that will reflect credit to the College and the community. The College Discipline and Conduct Review Process is utilized when student conduct adversely affects the College community's pursuit of its educational objectives. The College maintains a policy on Student Code of Conduct and Conduct Review Procedures.

### **Definitions**

The term "College" means Cayuga Community College, including the Auburn campus, Fulton Extension Center, and any other premises utilized by the College or Association, The Faculty Student Association and other affiliated organizations.

The term "College premises" means all buildings or grounds owned, leased, operated, controlled or supervised by the College.

3. The term "College Official" means any person hired by the College to work in a faculty, administrative, clerical, or security role, and any other person designated to serve the College in an official capacity.

The term "student" means a person registered for, or auditing, credit or non-credit Cayuga Community College courses, on either a full or part-time basis. Persons who are not officially enrolled for a particular semester but who have a continuing relationship with the College shall also be responsible for abiding by the Code of Conduct. Any registered person is considered a "student" whether or not such courses or programs are offered on a physical campus or site or via distance learning, the Internet, or any other means of course delivery technology. Students who withdraw after allegedly violating the Student Code are considered students for the purposes of this process.

*The term "College-sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the College or its affiliated organizations.*

*The "Student Conduct Administrator" or "Conduct Review Board" may be any of the following:*

*The Director of Student Development (or designee) and/or the Vice President of Academic and Student Affairs (or designee), who each may also serve as a conduct review board in its entirety.*

- b) The Faculty / Student Conduct Hearing Board, comprised of three faculty/staff members appointed by the College President (or designee) for a period of two years, and two students appointed by the Student Government Organization. A sixth nonvoting member of the committee shall be the Director of Student Development (or designee), who shall be the Convenor of the Board, and the Student Conduct Administrator.*

7. The term "Complainant" means any person who submits a charge alleging that a student violated Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he as been victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the College Community submitted the charge itself.

8. The term “Accused student” means any student accused of violating this Student Code.

### Off-Campus Jurisdiction

Cayuga Community College reserves the right to initiate disciplinary proceedings for on and off-campus incidents involving violations of the Student Code of Conduct. Initiation of the Conduct Review process for off-campus incidents may occur when the violation is committed while participating in a College sanctioned or sponsored activity, the violation adversely affects the educational or service function of the college, or the violation adversely affects the individual’s suitability as a member of the College community. The seriousness of off-campus conduct, the risk of harm involved, and whether the off-campus conduct is part of a series of actions which occurred both on and off-campus, may be considered in determining whether or not to exercise off-campus jurisdiction. The Director of Student Development (or designee) will determine if the College will pursue action for off-campus behavior.

### Criminal/Civil Penalties

*Students who engage in alleged violations of the Student Code of Conduct may also face civil or criminal penalties. This statement is not intended to replace federal, state, or local actions. Any action involving the student in a legal proceeding does not free the student from responsibility to participate in a College disciplinary hearing. The College will decide whether to proceed with action, before, after, or simultaneously with a legal proceeding.*

#### *Student Code of Conduct*

*Any student found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions:*

*All forms of academic misconduct, including but not limited to: cheating, fabrication, plagiarism, or facilitation of academic dishonesty.*

*All forms of dishonesty, including but not limited to: fabrication of information or knowingly furnishing false information to the institution, forgery, alteration or use of College documents or instruments of identification with intent to defraud, reporting false emergency to the College or to College officials acting in performance of their duties.*

*Failure to identify oneself to or comply with directions of College staff or other public officials, resisting or obstructing such officials in the performance of their duties.*

*Violations of published regulations such as those pertaining to, but not limited to: computer use, athletic facilities, recreational facilities, Library and Academic Support Center, or any support offices of the College.*

*Misusing, or using without authority or in violation of law, the College’s information technology or telecommunications systems, including but not limited to the unauthorized or illegal use or misuse of College phone and computer network systems; the violation of the College computer use policy; the unauthorized entry or dissemination of electronic information; prank or harassing phone calls or e-mail messages; the hacking, duplication, or unauthorized use of copyrighted software; destruction, unauthorized transfer or alteration of electronic files; and unauthorized use of another individual’s electronic identification number, such as password, Social Security number, PIN, etc. Theft or other abuse of computer facilities and resources, including but not limited to: Unauthorized entry into a file, to use, read or change the contents, or for any other purpose. Use of computing facilities and resources to access and/or send obscene or abusive messages. Use of computing facilities and resources to interfere with normal operation of the College computing system. Use of computing facilities and resources in violation of copyright laws.*

*Obstruction or disruption of teaching or classroom activities, research, administration, or other College activities or College sanctioned events or activities.*

*Tampering with, or the unauthorized use of: fire safety equipment such as extinguishers, smoke detectors, alarm pull stations or emergency exits, including activating a false fire alarm, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a staff member, or attempting to re-enter the building without permission of the proper authorities.*

*Damage, destruction, theft or unauthorized use of College property, or property of a person on College premises.*

*Unlawful distribution, dispensing, possession, use or sale of illegal or controlled substances.*

*Distribution, possession, use, or sale of alcohol in violation of College policy.*

*With the exception of campus police officers or other law enforcement officials acting in the performance of their duties, possession, use, or manufacture of a firearm or other weapon, including explosives, dangerous chemicals, fire-bombs, other destructive devices; possession of a weapon in a vehicle on campus.*

*Physical abuse, including but not limited to rape, sexual assault, sex offenses and other physical assault; intentionally subjecting another person to offensive physical contact, other than self-defense.*

*Threats of violence; conduct that threatens the health and safety of any person.*

*Harassment of any kind, including stalking; any form of verbal abuse.*

*Mistreatment of an individual or group, including physical or verbal abuse, and harassment, against an individual or group because of race, color, national origin, ancestry, gender, age, disability, religion or religious practice or sexual orientation.*

*Behavior that recklessly or intentionally endangers the mental or physical health of another person.*

*Forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.*

*Hazing, defined as an act which endangers the physical or mental health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violation of this rule.*

*Sexual harassment; unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constituting sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive College environment.*

*Disorderly or disruptive behavior, lewd behavior, unreasonable noise, or behavior that results in unreasonable annoyance, particularly behavior that disrupts the educational functions of the College.*

*Intentionally providing false information on an Admission, Re-admission or Financial Aid application.*

*Smoking in College buildings or in violation of College smoking and tobacco use policies.*

*Permitting privately owned animals to run loose on College premises or to enter into any College facility, except in cases of service animals, or as authorized to fulfill a class assignment.*

*Refusal to leave a classroom, activity, or College building when directed to do so by a College official.*

*Abusing the College Discipline and Conduct Review system, including but not limited to: failure to obey the notice from a Conduct Board or Conduct Administrator to appear for a meeting or hearing as part of the Student Conduct System; distorting or misrepresenting information before a conduct administrator or board; attempting to influence or discourage an individual's proper participation in, or use of, the conduct review system; harassing (verbal or physical) and/or intimidating a member of a conduct review board; or failing to comply with the terms of any imposed disciplinary sanction.*

*Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.*

***Intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on College premises.***

***Behavior that is, or could be, violation of federal, state, or local laws where such violations have an adverse effect on the College and the College community.***

#### *Student Code of Conduct Administration*

***The Director of Student Development, or designee, shall administer the Student Code of Conduct and questions regarding its interpretation shall be referred to the Director, or designee, for final determinations.***

#### *Interim Suspension*

***The College may suspend a student, pending a hearing if, in the Student Conduct Administrator's, or designee's, judgment the student's presence on campus constitutes a danger to self or others, or the alleged offense is of a heinous nature. Every effort will be made to hold a hearing within five (5) workdays after the suspension if the student so requests in writing or the Student Conduct Administrator, or designee, deems it appropriate.***

***Inability of an Accused Student to appear at any Student Conduct Hearing due to long distance travel, incarceration, or other reasons, may not result in an extension of the time period before the hearing. In such cases, an Accused Student may be given the opportunity to participate in a hearing by telephone or by written statement. The appropriateness of such arrangements will be determined by the Student Conduct Administrator.***

***If the Student Conduct Administrator determines that an accused student poses a significant safety threat to students or college employees, the College may require that the requested hearing take place in an alternative format, i.e. telephone or in writing. Inability of an accused student to participate in a hearing in person or by telephone or in writing may result in the College holding a hearing without the participation of the Accused Student.***

***If an interim suspension occurs during College calendar breaks, the College may hold the hearing within five (5) workdays after the resumption of classes.***

***If the accused student and the Student Conduct Administrator do not request a hearing, the interim suspension remains in effect.***

***During an interim suspension, students shall be denied access to the campus (including classes), and shall be denied access to electronic services of the College, such as Tele-courses, Internet or other Distance Learning activities, e-mail, and/or all other College activities or privileges for which the student might otherwise be eligible. Continued use of such services without the express permission of the Director of Student Development, or designee, shall be considered a further and additional violation of the Code of Conduct***

#### *Charging a Student with Misconduct*

***Any student or College Official may file a complaint of misconduct against a student. The complaint(s) of misconduct shall be submitted, in writing, to the Director of Student Development, or designee, within ten (10) workdays of the point at which the alleged misconduct occurred or within ten (10) workdays of the point at which the alleged misconduct could reasonably have been known to occur. An Incident Report submitted by The Director of Public Safety/Chief to the Director of Student Development, or designee, can be a written complaint of misconduct.***

***The Director of Student Development, or designee, shall review all alleged violations involving students, and may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of both parties involved on a basis acceptable to the Director of Student Development, or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the alleged misconduct is not admitted, or cannot be disposed of by mutual consent, the Director of Student Development may later serve in the same matter as the Student Conduct Administrator.***

***The Student Conduct Administrator may seek to resolve disputes through arbitration or mediation, and may convene informal or formal hearings.***

*The Student Conduct Administrator may issue a disciplinary action and sanction.*

*The College President and Vice President of Academic and Student Affairs will be notified of all charges involving allegations of severe or violent alleged misconduct.*

#### *Hearings*

*Informal Hearing - A meeting between the Director of Student Development, or designee, and the Accused Student is considered an informal hearing. At such time, the student will be apprised of misconduct complaints and/or charges, typically, but not necessarily, in writing. The Accused Student will be given the opportunity to discuss, dispute, and/or admit to the misconduct. In cases of severe or violent alleged misconduct, an informal hearing may be bypassed and the accused student will be notified in writing of charges of alleged misconduct and the date and time of a formal hearing.*

#### *Formal Hearing*

*A Faculty/ Student Conduct Board hearing may be called when a Student Conduct Administrator so requests, or when an Accused Student wishes to appeal a disciplinary action taken by the Director of Student Development, or designee. The Director of Student Development, or designee, shall determine whether an Administrative Hearing or a hearing by the Faculty- Student Conduct Review Board is appropriate. Such decision will be based upon the circumstances and severity of each individual case. During Intersession and summer sessions, only Administrative Hearings will be conducted.*

*In cases of an Administrative Hearing, the hearing officer shall be the Vice President of Academic and Student Affairs, or designee.*

#### *Procedures*

*The following procedures will be followed for all formal hearings:*

*All formal hearings shall normally be conducted in private.*

*The Accused Student and Complainant have the right to be assisted by an advisor they choose, at their own expense. Generally, the advisor must be a member of the College community and may not be an attorney. If the Accused student has been charged with a misdemeanor or felony for alleged behavior associated with the misconduct charge(s), he/she may be accompanied by legal counsel, who will serve as the student's advisor and will be governed by the procedures regulating advisor behavior. If the Accused student selects an attorney as his/her advisor, he/she must notify the Director of Student Development (designee) at least forty-eight hours in advance of the scheduled hearing. In such cases the College reserves the right to secure its own legal representation. The Complainant and the Accused Student are responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any formal hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. The student may consult with the advisor prior to answering questions or making any statements, but the advisor will not be allowed to speak for the student.*

*The Complainant, and Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the formal hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Faculty/ Student Conduct Board chairperson and/or its Student Conduct Administrator.*

*The College reserves the right to require the presence of Public Safety personnel before, during and after all interactions related to student misconduct. If the student is charged with misconduct of a violent nature, the student may be frisked and asked to empty his/her pockets, backpacks, and other possessions before proceeding with the interview or hearing.*

*The student will be informed in writing of the reasons for a hearing with sufficient particularity, and in sufficient time, to ensure opportunity to prepare for the hearing.*

*The burden of establishing violation(s) shall rest upon the officials bringing the charge(s).*

*The Complainant, the Accused Student and the Student Conduct Administrator/Board may arrange for witnesses to present pertinent information to the Student Conduct Administrator/Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two workdays prior to the hearing. Witnesses will provide information to, and answer questions from the Student Conduct Administrator/Board. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Board with such questions directed to the chairperson or Student Conduct Administrator, rather than to the witnesses directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson or the Student Conduct Administrator.*

*In hearings involving more than one Accused Student, the Student Conduct Administrator, in his/her discretion, may permit the hearings concerning each student to be conducted either separately or jointly.*

*The Student Conduct Administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, audio tape, written statement, or other means, where and as determined in the sole judgment of the Student Conduct Administrator to be appropriate.*

*In no case shall the Faculty/Student Conduct Board or Student Conduct Administrator consider statements against the Accused Student unless s/he has been advised of their content and of the names of those who made them, and unless s/he has opportunity to rebut unfavorable inferences which might otherwise be drawn.*

*Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson or Student Conduct Administrator.*

*All matters upon which the decision may be based must be introduced into evidence at the proceedings before the Student Conduct Administrator/ Board. The decision shall be based solely upon such evidence. The Student Conduct Administrator/ Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code of Conduct. In cases where the Board finds the Code of Conduct was violated, the Board may suggest possible sanctions to the Student Conduct Administrator. The decision of specific sanctions to be imposed will be determined by the Student Conduct Administrator in cases of Board Hearings, and by the presiding hearing officer in Administrative Hearings.*

*If an Accused Student, with notice, does not appear for an informal hearing, Faculty/Student Conduct Board Hearing or Administrative Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.*

*There will be a verbatim record of the testimony and the voting at the hearing (not deliberations) such as a tape recording. The record shall be the property of the College.*

*Determination of issues by the Student Conduct Board shall be majority vote and shall be so reported. The actual number of those in the majority will be disclosed to the Accused Student and Complainant.*

*The Student Conduct Administrator/Board shall render its decisions in writing as soon after the close of the hearing as reasonably possible and it shall transmit such decisions promptly in writing to the Accused, the Complainant, and to the College President. The written decision shall be considered educational records of both the Accused Student and the Complainant, if the Complainant is a student.. Other than in the case of a sanction of expulsion from the College, Student Conduct Records, including sanctions, will remain separate from academic records. A final determination of expulsion will be added to the academic transcript for a designated period of time, determined by the Student Conduct Administrator.*

#### *Sanctions*

*The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:*

*Admonition/Reprimand is an oral statement to the student offender that*

***he/she has violated the Student Code of Conduct. It does not become a matter of permanent record.***

***Warning is an oral or written notice to the student that continuation or the repetition of specified conduct may be cause for other disciplinary action. A written warning does become a matter of permanent record.***

***Restitution requires the student to reimburse for damage or misappropriation of property to the College or other owner. Reimbursement may take the form of compensation for damages or an appropriate period of service.***

***Censure is a written reprimand for specific conduct violations that may include a period of probation.***

***Disciplinary Probation is for a specified period of time and may or may not include specific conditions. If conditions are applied, such conditions would include, but not be limited to exclusion from participation in privileges or College activities, including access to facilities, participation in athletics and extracurricular activities, and off-campus College sponsored events. Conditions of probation may also include activities such as community service, and/or restitution. It may also prohibit personal contact with specific individuals. Failure to comply with conditions of probation may result in additional disciplinary actions. In addition, a probationary period may be extended for failure to comply with all stipulations of the original probationary period.***

***Suspension is exclusion from class attendance and other privileges or activities for a definite period of time or temporary withdrawal from the College for a specified period, usually a semester or longer, after which the student may return.***

***Expulsion is permanent termination of student status. A notation of expulsion may be added to the academic transcript for a specified period of time.***

***Revocation of Admission and/or Degree Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violations of College standards in obtaining the degree, if such violations were committed by a student prior to graduation.***

***Remedial action such as counseling and alcohol and drug evaluations may be required in conjunction with any of the above sanctions.***

#### ***Appeal Procedure***

***In cases when the Vice President of Academic and Student Affairs serves as the hearing officer, the President of the College shall serve as the appeal officer.***

***In cases when the original hearing is conducted by the Faculty/Student Conduct Hearing Board, and the Student Conduct Administrator imposes a sanction less serious than suspension or expulsion, the Vice President of Academic and Student Affairs serves as the appeal officer. In cases where the sanction is suspension or expulsion, the President of the College will serve as appeal officer.***

***The student may appeal a disciplinary action, determined through a hearing, by writing the appropriate appeal officer within five (5) workdays after receipt of the written notification of the hearing outcome. The written appeal must include a statement showing why the appeal has merit. A personal meeting with the student filing the appeal will be at the discretion of the appeal officer.***

***Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:***

*To determine whether the original hearing was conducted fairly in light of the charges and presented evidence, and in conformity with prescribed procedures.*

*To determine whether the decision reached was based on sufficient information to establish that a violation occurred.*

*To determine whether the sanction(s) were appropriate for the violation of the Student Code of Conduct that the student was found to have committed.*

*To consider new evidence, sufficient to alter a decision, or whether relevant facts not brought out in the original hearing, because such evidence and /or facts were not known to the person appealing at the time of the original hearing.*

*Upon appeal, the appeal officer will approve, disapprove, modify or mitigate the original findings, determination and/or sanctions. The appeal officer will transmit his/her decision in writing within ten (10) workdays, to the student and the Student Conduct Administrator.*

## ALCOHOL AND SUBSTANCE ABUSE INFORMATION

### PREVENTION PROGRAMS

The College has developed a program to address the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The Alcohol and Other Drugs Committee provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

**Alcohol and Drug Education:** College Health Services, Employee Assistance Program, College Health Class.

**Counseling Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**Referral Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**College Disciplinary Actions:** Faculty/Student Conduct Hearing Board.  
Patrick McPeak, Director of Student Development.

## LOCAL, STATE & FEDERAL LEGAL SANCTIONS

### Legal Sanctions – Laws Governing Alcohol

The State of New York sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Office of Public Safety. Effective January 1, 1990, a package of state laws was passed regarding alcohol. They include the following:

Persons under age 21 found possessing alcohol may be given a maximum fine of \$50.

Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for up to 90 days.

Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or being required to do up to 30 hours of community service work.

*A violation of any law regarding alcohol is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the College.*

## Controlled Substance Offenses

Criminal possession, sale, or use of drugs is covered in articles 220 and 221 of the New York State Penal Law. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold, ranging from a minimum of 15 days and \$250 fine for a violation to a maximum of \$100,000 fine and life imprisonment for a class A felony. It is important to be aware that under Penal Law, a gift of drugs is treated as a sale.

A violation of any law regarding drugs is also a violation of the Cayuga Community College Student Code of Conduct and will be treated as a separate disciplinary matter by the College. Detailed information regarding the penalties for illegal possession and distribution of drugs is available from the Office of Campus Safety.

## Health Risks

As part of an effort to create a drug free campus, Cayuga believes that the College community should be educated about the physical and emotional health hazards presented by the misuse of drugs and alcohol. The College provides information and educational programs throughout the year to students, faculty, and staff. Listed below are some of the health risks associated with using/abusing alcohol and various drugs. Please note that the dangers associated with substance abuse are not limited to the conditions listed below:

<b>Alcohol:</b> Heart and liver damage, brain damage; death from overdose and accidents	<b>Depressants:</b> Infections, addiction, loss of appetite, death from overdose, and severe interaction with alcohol
<b>Marijuana/Hashish:</b> Impaired memory perception, interference with psychological maturation, possible damage to lungs and heart, psychological dependence	<b>Narcotics:</b> Addiction with severe withdrawal symptoms, loss of appetite, death from overdose
<b>Cocaine:</b> Intense psychological dependence, sleeplessness and anxiety, nasal passage damage, lung damage, and death from overdose	<b>Hallucinogens:</b> Anxiety, depression, impaired memory, emotional breakdown, death from overdose
<b>Stimulants:</b> Loss of appetite, hallucinations, paranoia, convulsions, brain damage, cancers of the lung, throat, mouth, death from overdose	<b>Inhalants:</b> Drastic weight loss, brain damage, liver and bone marrow damage, high risk of sudden death

## Trafficking Penalties

The following Federal Trafficking Penalties apply to marijuana. For more information regarding trafficking penalties, please contact the Office of Campus Safety.

Quantity	Description	First Offense	Second Offense
1000 kg or more; or \$1,000 or more plants	<b>Marijuana</b> Mixture containing detectable quantity*	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 years more than life. If death or serious injury, not less than life. Fine not more than \$8 million individual, \$20 million other than individual.
100 kg to 1,000 kg or 100-999 plants	<b>Marijuana</b> Mixture containing detectable quantity	Not less than 5 years, not more than 40 years. If death or serious injury, not more than life. Fine not more than \$2 million individual, \$5 million other than individual.	Not less than 10 years, not more than life. If death or serious injury, not less than life. Fine not more than \$4 million individual, \$10 million other than individual.

50-100 kg	<b>Marijuana</b>	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years, not more than life. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.
10-100 kg	<b>Hashish</b>		
1-100 kg	<b>Hashish Oil</b>		
50-99 plants	<b>Marijuana</b>	Not more than 5 years. Fine not more than \$250,000, \$1 million other than individual.	Not more than 10 years. Fine \$500,000 individual, \$2 million other than individual.
Less than 50 kg	<b>Marijuana</b>		
Less than 10 kg	<b>Hashish</b>		
Less than 1 kg	<b>Hashish Oil</b>		

\*Includes Hashish and Hashish Oil (Marijuana is a scheduled controlled substance)

### The Penalty Chart of State Laws Controlling Drug Offenses

Controlled Substances	Prohibited Acts	Penalty
Schedule I or II Narcotic	Possession (M)	1 year and \$5,000 fine
	Possession with intent to deliver	15 years and \$250,000 fine 30 years and \$250,000 fine
	Delivery	
Schedule I Marijuana (30 g or less) Hashish (8 g or less)	Distribution to under 18 by those over 21	
	Possession (for use)	30 days and \$500 fine
Schedule I or II or III Non-Narcotic	Distribution without sale	30 days and \$500 fine
	Possession	1 year and \$5,000 fine
	Possession with intent to deliver and delivery	5 years and \$15,000 fine
Schedule IV	Distribution to under 18 by those over 21	10 years and \$15,000 fine
	Possession	1 year and \$5,000 fine
	Possession with intent to deliver and delivery	3 years and \$10,000 fine
	Distribution to under 18 by those over 21	5 years and \$10,000 fine

**Schedule I Drugs include:** heroin, methaqualone, LSD mescaline and peyote, amphetamine variants, phencyclidine analogues, hashish, hashish oil, marijuana, and other narcotics and hallucinogens.

**Schedule II Drugs include:** opium, morphine, codeine, hydromorphone, meperidine (Pethidine), methadone, barbiturates, cocaine, amphetamines, phenmetrazine, methylphenidate, phencyclidine, tetrahydrocannabinol, and other narcotics.

**Schedule III Drugs include:** opium, morphine, codeine, barbiturates, glutethimide, other narcotics, other depressants, and other stimulants.

**Schedule IV Drugs include:** chloral hydrate, benzodiazepines, other narcotics, other depressants, and other stimulants.

**Schedule V Drugs include:** opium, codeine, and other narcotics.

Please contact the Health Services Office for additional information on the risks involved with the misuse of drugs and alcohol.

#### Counseling/Treatment/Rehabilitation Programs

Where to go for help...

Auburn  
Programs to Help

CHAD (Confidential Help for Alcohol)  
75 Genesee Street, Auburn 253-9786

Alcoholics Anonymous  
100 E. Manlius St., East Syracuse 463-5011

Conifer Park Outpatient Clinic  
508 Old Liverpool Road  
Liverpool, New York 453-3911

Onondaga Council on Alcoholism/Addiction  
(Advice and Information)  
1050 West Genesee Street., Syracuse 471-1359

Tully Hill  
5821 Route 80  
Tully New York 13159 696-6114

Health Numbers  
Auburn Memorial Hospital 255-7011  
Cayuga County Community Mental Health Center 253-0341  
Cayuga Counseling Services 253-9795

Fulton  
Programs to Help

Farnham, Inc. – Fulton 593-0796  
Oswego 342-4489

County of Oswego Council on Alcoholism  
(COCOAA) 342-2370

Harbor Lights Chemical Dependency Service 963-0777

Also see Treatment Centers above

Health Numbers  
Fulton Health Center 598-4740  
Oswego County Mental Health 343-8162

Other Numbers  
Oswego County Opportunities, Inc. 598-4717

The New York State Division of Substance Abuse Services supports and monitors statewide prevention and treatment programs and provides information and free referrals for persons seeking assistance. Persons concerned about the use of drugs/alcohol by family or friends may call, toll free, 1-800-522-5353, for information, confidential referrals and assistance. Employees are encouraged to utilize the employee assistance program (EAP) when necessary. Information about EAP can be found in the Personnel Office.

## **SEXUAL CRIMES INFORMATION**

### **What is Sexual Harassment?**

Sexual Harassment includes any unwanted verbal or physical sexual advance, request for sexual favors, sexually explicit derogatory remarks, and sexually discriminating remarks which are offensive or objectionable to the person at whom they are directed or which cause a person discomfort or humiliation. Sexual harassment can be as subtle as a look or as blatant as rape. Whether verbal or physical, sexual harassment is an act of aggression.

### **College Policy on Sexual Harassment**

Sexual harassment is a violation of both federal law (Civil Rights Act of 1964, section 703, Title IX Education Amendments of 1972) and state law (New York Human Rights). For assistance in resolving incidents of sexual harassment students may contact the Office of Public Safety or the Student Development Office. For purposes of sexual harassment complaints, students may contact Patrick McPeak, Director of Student Development. Employees may direct complaints to Scott Whalen, Director of Human Resources.

### **Types of Sexual Harassment**

#### *Verbal Harassment*

Innuendo's, comments and sexual remarks about clothing, body, sexual activities, or sexual orientation.

"Jokes", remarks concerning a person's gender with their intellectual or academic abilities.

Suggestive or insulting sounds.

Sexual propositions, invitations or other pressure for sex. For example: "My office hours are limited. Why don't you come by my house so we can have some privacy and get to know each other better."

Implied or overt threats: "If you want to pass this course, you have to be nice to me. It's up to you but sex is the nicest thing I can think of." For example: "I'll take care of you later", or, "If you know what's good for you, you'll come on over here."

#### *Physical Harassment*

Patting, pinching, or other inappropriate touching or feeling.

Brushing against the body.

Attempted or actual kissing or fondling.

Coerced sexual intercourse.

#### *Other Sexual Harassment*

Leering or ogling.

Obscene gestures.

### **Know the Facts on Sexual Harassment**

*Myth:* Sexual harassment happens to only a few people.

*Fact:* Surveys across the country show that up to 30% of all female college students experience some form of sexual harassment.

*Myth:* Only young, "attractive" people are sexually harassed.

*Fact:* Sexual harassment does not discriminate based on age. Older students are just as apt to be victims as are younger students. Vulnerability and naivete are sometimes key to the selection of victims.

*Myth:* If a person really wants to discourage attention, verbal or physical, based on sex, they can do so. If someone is sexually harassed, they probably asked for it by dressing provocatively or by sending out the "wrong signals."

*Fact:* Sexual harassment can happen to anyone, regardless of how they dress or what “signals” they emit. Many harassers are repeatedly told “no”, but hear “yes” instead. If the harasser is in a position of power, such as being a teacher, the victim may be coerced or feel forced to accept this behavior. The victim is **not responsible** for the acts of the harasser/abuser.

*Myth:* If a person ignores sexual harassment, it will go away.

*Fact:* Generally, the harasser is a repeat offender who will not stop on his/her own. He/she is a bully for whom silence acts as encouragement. Although the victim may not wish to offend the harasser or may wonder whether actions have been misconstrued, it is important to call attention to behavior and language which is offensive.

The College annually schedules lectures and videos designed to provide the College community with information relating to the prevention of sexual harassment/abuse. Videos are also available for screening by individuals or specific and interested groups. Information on scheduled programs is publicized through the campus newspaper, The Cayuga Collegian, the campus activity calendar, and posters/flyers displayed around campus.

Student orientation programs also provide information on circumstances related to sex offenses on campus. Students are instructed on methods that they can employ to help discourage unwanted “attention.”

## **College Policy on Sexual Assault**

### **What is sexual assault?**

Any sexual activity or experience that is forced or coerced is, by law, considered sexual assault.

### **College Policy**

The College administration fully supports all local, state and federal laws governing rape and sexual assault. It is the policy of the College to make reasonable accommodations in academic situations in response to a student being victimized. In addition to legal sanctions, the College will take disciplinary action for violations of law, College policy, or Student Code of Conduct, up to and including expulsion from school or termination of employment.

If you or anyone you know has been a victim of sexual assault on our campus, we urge you to contact the Office of Public Safety at (315) 255-1743, ext. 2411. We will contact local police agencies, at your request. If you feel uncomfortable contacting Campus Safety, you may also contact the Student Development Office at ext. 2230, or the College Nurse at ext. 2203. At the Fulton Extension Center, you may contact Patricia Powers-Burdick, Counselor, at (315) 592-4143. Your complaint will be held strictly confidential.

### **If you are a victim of sexual assault:**

It is important to remember that evidence must be preserved for criminal prosecution. Do not wash, shower, or change clothing, if possible. Seek medical attention at an area hospital as soon as possible. Emergency room physicians have been trained in evidence gathering techniques and will obtain the needed evidence while providing necessary medical care and counseling.

The Cayuga campus is generally a safe one. As members of the College community, it is our expectation that students will respect the rights, dignity, and privacy of others. Each person is also responsible for taking the necessary precautions to ensure his/her own personal safety. Even though there have been very few incidents involving sexual assaults reported at Cayuga, we want to continue our excellent record.

### **Know the Facts of Sexual Assault**

*Myth:* Victims are to blame in some way for the incident. If the victim was drunk or drugged, he or she was asking for it.

*Fact:* The rapist is always responsible for having committed rape. Regardless of the victim’s appearance, behavior, judgment or previous actions, the victim is not responsible for the rape or sexual abuse. (Infants and 90-year-olds have been victims of sexual assault.) Additionally, inability to give consent is not “asking for it.” Sexual contact on another person without consent is against the law in New York State.

*Myth:* Rape is an expression of sexual desire.

*Fact:* Rape is a hostile act of aggression with sex as the vehicle. Rape is a violent abuse of power in which one person acts without regard for the pain and trauma inflicted on another.

*Myth:* Rape is most often committed by a stranger.

*Fact:* A friend or fellow student is more likely to rape a college woman, with studies indicating that nearly 90% of college women who were raped knew their assailant.

*Myth:* If a woman is forced to have sex with a friend, date, boyfriend, spouse of someone she knows, it isn't really rape.

*Fact:* Sexual intercourse that is forced by a friend or stranger is rape. Often it is more traumatic because the victim's trust in others and in her own judgment may have been shattered.

*Myth:* Men can't stop themselves when sexually aroused.

*Fact:* Men are both capable of and are responsible for controlling both their minds and bodies-just as women are.

**“No” does mean “no.”**

**It is never okay to force yourself on another person.**

**Women never owe sexual payment or deserve sexual assault.**

## **Sexual Assault Prevention**

How do you avoid sexual assault? The following pieces of advice are common-sense approaches to preventing sexual assault.

*Be alert to your surroundings!* Stay in well-lighted areas. Walk with other people whenever possible. Know the locations of public telephones and keep a cell phone or change handy.

*If you travel by car,* always keep your car locked, both while you are riding and when it is parked. When returning to your car, do so with your keys in your hand. Check the back seat of your car before you get in. After you get in, re-lock the car immediately.

*If you travel by bus,* go to the bus stop with other people whenever possible, particularly at night. Don't accept rides from strangers!

*If you feel you are being followed,* walk to the nearest occupied or well-lighted building, not to your car or bus stop. If on campus, contact the Office of Public Safety or if off campus, contact the Auburn City Police or Fulton City Police for assistance. Note the appearance of the person or persons; note the license plate number of the car. Your personal safety should come before the security of belongings such as books, bags, etc. When in doubt leave them behind!

*If you feel threatened,* shout, “Leave me alone!” Others may hear you and the potential criminal may be frightened away. Trust your instincts! Don't be embarrassed to seek assistance.

**On Auburn campus,** contact the switchboard operator by dialing “0”, or utilize emergency red phones. Or if you are in the Technical Building, there are push to talk intercoms located in the 2<sup>nd</sup> & 3<sup>rd</sup> floor stairwells which will connect you directly to the Campus Police Cell phone.

**Off campus,** depending on location, contact Auburn City Police at 253-3231, or if in Cayuga County, 253-1222. If in Oswego County, 911 or New York State Police at 255-2766.

## **Statement of Victims Rights**

Victims have the right to choose counseling and medical treatment, and to prosecute and report their case through the College Judicial System and/or the off-campus court system. They also have the right to refuse all these options without reproach from any college personnel.

Victims have the right to be treated with dignity and seriousness by campus personnel.

Victims of crimes against an individual have the right to be reasonably free from intimidation and harm.

College personnel are encouraged to inform all victims that:

victims are not responsible for crimes committed against them;

victims are not negligent toward their own and thus do not assume the risk of crime;

victims should always report their crime, despite the possibility of adverse publicity for the college.

Victims will be made aware of appropriate student services, including counseling.

Victims are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.

7. If the accused is prohibited from contacting the victim or entering the victim's

residence, the victim will be notified that the ban is in effect.

The victim has the right to information regarding the status of his/her case.

### **Sex Offender Registry and Access to Related Information**

Incarceration may remove a sex offender from the streets but it does nothing to prevent the offender from committing another crime when released.

The federal **Campus Sex Crimes Prevention Act**, enacted on October 28, 2000, goes into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

For the Auburn Campus, Information concerning offenders registered with the *Sex Offender and Crimes Against Minors Registry* may be disclosed to any person requesting information on a specific individual in accordance with the law. Information regarding a specific person requested pursuant to the law shall be disseminated upon receipt of an official request form, to the Auburn Police Department, 46 North St. Auburn, NY 13021. For the Fulton Campus you must submit your request to the Fulton Police Department, 141 South First St., Fulton, New York 13069.

*Use of the information for purposes not authorized by this section is prohibited and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class A misdemeanor.*

### **Sex Offender Classification**

**Level 1      Low Risk must register annually for 10 years after conviction**

**Level 2      Moderate Risk must register annually for 10 years after conviction.  
Notification is the responsibility of the Local Police Department.  
Notification consists of name & zip code only**

**Level 3      High Risk must register annually for life and their address must be  
verified every 90 days. Notification is the responsibility of the Local  
Police Department and notification consists of name, address, and crime information.**

### **Bias-Related Crime Prevention**

#### **Definition of Bias or Hate Crimes.**

In 2000, Governor Pataki signed into law the historic hate crime legislation. Under the law, a hate or bias crime is committed when a person commits a “specified offense,” such as murder, assault, kidnapping, arson, or other crimes against an individual because of his or her race, color, national origin, ancestry, gender, age, disability, religion or religious practice or sexual orientation.

#### **Penalties for Commission of Bias-related Crime**

When a person is convicted of a hate crime, and the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime 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. Strict mandatory sentences are imposed in cases when a person is convicted of a Class B felony and a hate crime.

## **College Policies and Procedures Regarding Bias-Related Crime**

Violations of federal, state and local laws are also violations of the Student Code of Conduct. In addition, any mistreatment of an individual or group because of race, color, national origin, ancestry, gender, age, disability, religion or religious practice or sexual orientation is a violation of the Student Code of Conduct. Any student found to have violated this policy is subject to disciplinary sanctions including the possibility of suspension or expulsion. The absence of criminal charges will not deter the college from taking disciplinary action in the case of bias related violations of student conduct.

### **Counseling and Supportive Services**

Victims may report incidents of bias-related mistreatment to the Director of Public Safety/Chief or the Director of Student Development. Victims of bias-related mistreatment may receive counseling and support from the counselors in the Student Development Office. In some cases victims may be referred to appropriate community agencies for additional counseling and support.

### **Common Circumstances on College Campuses**

Bias or hate related incidents are extremely rare at Cayuga Community College. Fortunately, hate crimes occur with relative infrequency on most campuses. Bias incidents (acts of prejudice that are not accompanied by violence, the threat of violence, property damage, or other illegal conduct) are far more common. The most common occurrences are degrading language and slurs directed at traditionally targeted groups such as women, gays, and lesbians on a regular basis and racist, anti-Semitic, and other slurs on a regular but less frequent basis. (Wessler and Moss, Hate Crimes on Campus: The Problems and Efforts to Confront It, 2001)

### **Public Safety Procedures**

**Public Safety** procedures are outlined in the Student Handbook, the Right-to-Know pamphlet, and the College website. These are distributed to students on an annual basis at registration points, and during orientation programs.

### **Campus and Community Resources**

Where to go for help...

The following programs and services are available in Cayuga and Oswego Counties to provide assistance to you in an emergency situation or for ongoing support in dealing with and recovering from a sex offense.

#### Auburn

Cayuga Community College  
Main Number

(315) 255-1743

Office of Public Safety (Auburn Campus)

ext. 2411, 2461

Office of Public Safety (Fulton Campus)	ext. 3077, 3067
Student Development	ext. 2232, 2230
Fulton Extension Center	(315) 592-4143

*Community Based Programs*

Auburn Police	253-3231
Cayuga County Sheriff	253-1222
State Police	255-2766
Emergency	Dial 911

Domestic Violence Intervention Program/Battered Women Shelter Hotline	1-800-253-3358
Office	255-1703
SAVAR Hotline (24 Hour)	252-2112
Office	253-9795
Auburn Memorial Hospital	255-7011
Cayuga County Mental Health Center	253-0341
Cayuga Counseling Services	253-9795
Social Ministry of the Finger Lakes	252-0018
Cayuga County Dept. of Social Services	253-1011

NYS Domestic Violence Hotline	1-800-942-6906
Spanish	1-800-942-6908

Fulton

For Police, Sheriff, or State Police in Madison, Oneida, Onondaga and Oswego Counties	Dial 911
A.L. Lee Memorial Hospital, Fulton	592-2224
Oswego Hospital, Oswego	349-5511
Oswego County Opportunities, Inc. SAF Program – 24 hour hotline	342-1600

**NEW YORK STATE LAW REGARDING SEX OFFENSES**

**Sex Offense Laws**

**Article 130 of the New York Penal Code Sex Offenses:**

**Lack of Consent**

Whether or not specifically stated, it is an element of every offense defined in this article, except the offense of consensual sodomy, that the sexual act was committed without consent of the victim.

Lack of consent resulting from:

Forcible compulsion; or

Incapacity to consent; or

Where the offense charged is sexual abuse, 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.

A person is deemed incapable of consent when he is:

Less than 17 years old; or

Mentally defective; or

Mentally incapacitated; or

Physically helpless.

**Class B Felony:**

**Sentence not to exceed 25 years**

**Rape in the First Degree**

A male is guilty of rape in the first degree when he engages in sexual intercourse with a female:

By forcible compulsion; or

Who is incapable of consent by reason of being physically helpless; or

Who is less than 11 years old

**Sodomy in the First Degree**

A person is guilty of sodomy in the first degree when he engages in deviant sexual intercourse with another person:  
By forcible compulsion; or  
Who is incapable of consent by reason of being physically helpless; or  
Who is less than 11 years old

**Aggravated Sexual Abuse in the First Degree**

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

**Class C Felony****Sentence not to exceed 15 years****Aggravated Sexual Abuse in the Second Degree**

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

**Class D Felony:****Sentence not to exceed 7 years****Rape in the Second Degree**

A person is guilty of rape in the second degree when, being 18 years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married (and who is) less than 14 years old.

**Sexual Abuse in the First Degree**

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:  
By forcible compulsion; or  
When the other person is incapable of consent by reason of being physically helpless; or  
When the person is less than 11 years old.

**Sexual Abuse in the Second Degree:**

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:  
Incapable of consent by reason of some factor other than being less than 17 years old;  
or  
Less than 14 years old

**Sodomy in the Second Degree**

A person is guilty of sodomy in the second degree when, being 18 years old or more, he engages in deviant sexual intercourse with another person less than 14 years old.

**Class E Felony****Sentence not to exceed 4 years****Rape in the Third Degree**

A person is guilty of rape in the third degree when:  
He or she engages in sexual intercourse with another person to whom the actor is not married, who is incapable of consent by reason of some factor other than being less than 17 years old; or  
Being 21 years old or more, he or she engages in sexual intercourse with a person less than 17 years old.

**Sodomy in the Third Degree**

A person is guilty of sodomy in the third degree when:

He or she engages in deviant sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than 17 years old; or

Being 21 years old or more, he or she engages in deviant sexual intercourse with a person less than 17 years old.

**Class A Misdemeanor:****Sentence not to exceed 1 year****Sexual Abuse in the Second Degree**

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

Incapable of consent by reason of some factor other than being less than 17 years old; or

Less than 14 years old

**Class B Misdemeanor:****Sentence not to exceed 1 year****Sexual Abuse in the Third Degree**

A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that:

Such person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and

Such a person was more than 14 years old; and

The defendant was less than five years older than such other person.

**OFFENSE DEFINITIONS AND NEW YORK STATE LAWS**

The College is required by law to make available to all students and the public, as well as report to the government, the most recent three-year crime statistics comparison. The following are legal definitions of all mandated crime categories. Following the definitions are the charts containing three-year crime statistics for both the Auburn campus and Fulton Extension Center.

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the *Penal Law of the State of New York 2000*.

**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.

**Robbery in the Third Degree**

Sentence Not to Exceed 7 years

A person is guilty of robbery in the third degree when he forcibly steals property.

2. Robbery in the third degree is a class D felony.

**Robbery in the Second Degree**

Sentence not to exceed 15 years.

A person is guilty of robbery in the second degree when he forcibly steals property and when:

He is aided by another person actually present; or

In the course of the commission of the crime or of immediate flight therefrom he or another participant in the crime;

Causes physical injury to any person who is not a participant in the crime; or

Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or

The property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic laws

Robbery in the second degree is a class C felony.

**Robbery in the First Degree**

1. A person is guilty of robbery in the first degree when he forcibly steals property and when, in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:

Causes serious physical injury to any person who is not a participant in the crime; or

Is armed with a deadly weapon; or

Uses or threatens the immediate use of a dangerous instrument; or  
Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other firearm was not a loaded weapon from which a shot, readily capable of producing death or other serious physical injury, could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime.  
Robbery in the first degree is a class B felony.

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

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

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

#### **Criminal Possession of a Weapon in the Fourth Degree**

A person is guilty of criminal possession of a weapon in the fourth degree when:

He possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slingshot, shirken or "Kung Fu star"; or

He possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution; or

He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or

He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

He possesses any armor piercing ammunition with intent to use the same unlawfully against another.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

#### **Criminal Possession of a Weapon in the Third Degree**

A person is guilty of criminal possession of a weapon in the third degree when:

He commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or

He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

He knowingly has in his possession a machine-gun, firearm, rifle or shotgun which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, rifle or shotgun; or

He possesses any loaded firearm. Such possession shall not, except as provided in subdivision one, constitute a violation of this section if such possession takes place in such person's home or place of business.

(1) He possesses twenty or more firearms; or (2) he possesses a firearm and has been previously convicted of a felony or a class A misdemeanor defined in this document within the five years immediately preceding the commission of the offense and such possession did not take place in the person's home or place of business.

He knowingly possesses any disguised gun.

Criminal possession of a weapon in the third degree is a class D felony.

#### **Criminal Possession of a Weapon in the Second Degree**

A person is guilty of criminal possession of a weapon in the second degree when, with intent to use the same unlawfully against another:

He possesses a machine-gun; or

He possesses a loaded firearm; or

He possesses a disguised gun.

Criminal possession of a weapon in the second degree is a class C felony.

#### **Criminal Possession of a Dangerous Weapon in the First Degree**

A person is guilty of criminal possession of a dangerous weapon in the first degree when he possesses any explosive substance with intent to use the same unlawfully against the person or property of another.

Criminal possession of a weapon in the first degree is a class B felony.

#### **Unlawful Possession of Weapons by Persons Under Sixteen**

It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefore, or any dangerous knife, provided that the possession of rifle or shotgun or ammunition therefore by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violated the provisions of this section shall be adjudged a juvenile delinquent.

#### **Unlawful Possession of a Weapon Upon School Grounds**

It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

Unlawful possession of a weapon upon school grounds is a violation.

#### **Definitions That Were Added or Changed as of 1999**

**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.

##### **Arson in the Fourth Degree**

A person is guilty of arson in the fourth degree when he recklessly damages a building or motor vehicle by intentionally starting a fire or causing an explosion

In any prosecution under this section, it is an affirmative defense that no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle.

Arson in the fourth degree is a class E felony.

##### **Arson in the Third Degree**

A person is guilty of arson in the third degree when he intentionally damages a building or motor vehicle by starting a fire or causing an explosion.

In any prosecution under this section, it is an affirmative defense that (a) no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle, or if other persons had such interests, all of them consented to the defendant's conduct, and (b) the defendant's sole intent was to destroy or damage the building or motor vehicle for a lawful and proper purpose, and (c) the defendant had no reasonable ground to believe that his conduct might endanger the life or safety of another person or damage another building or motor vehicle.

Arson in the third degree is a class C felony.

##### **Arson in the Second degree**

A person is guilty of arson in the second degree when he intentionally damages a building or motor vehicle by starting a fire, and when (a) another person who is not a participant in the crime is present in such building or motor vehicle at the time, and (b) the defendant knows the fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility.

Arson in the second degree is a class B felony.

**Arson in the First degree**

A person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosions or fire is caused by an explosive; or when such explosion or fire either (I) causes serious physical injury to another person other than a participant, or (II) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and (c) the defendant knows the fact or the circumstances are such as to render the presence of such person therein a reasonable possibility. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or similar device capable of being ignited.

Arson in the first degree is a class A-I felony.

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

**Criminally negligent homicide:** A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person.

Criminally negligent homicide is a class E felony.

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

**Murder in the Second Degree:** A person is guilty of murder in the second degree when:

With intent to cause the death of another person, he causes the death of such person or of a third person; except that in any prosecution under this subdivision, it is affirmative defense that:

- a. The defendant acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree of any other crime; or
- b. The defendant's conduct consisted of causing or aiding, without the use of duress or deception, another person to commit suicide. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the second degree or any other crime; or

Under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes the death of another person; or

Acting either alone or with one or more other persons, he commits or attempts to commit robbery, burglary, kidnapping, arson, rape in the first degree, sodomy in the first degree, sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he or another, participation if there be any, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of sort not ordinarily carried in public places by law-abiding persons; and

Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury; or

Under circumstances evincing a depraved indifference to human life, and being eighteen years old or more the defendant recklessly engages in conduct which creates a grave risk of serious physical injury or death to another person less than eleven years old and thereby causes the death of such person.

Murder in the second degree is a class A-I felony.

**Murder in the first degree**

A person is guilty of murder in the first degree when:

With intent to cause the death of another person, he causes the death of such person or of a third person; and

Either:

the intended victim was a police officer as defined in subdivision 34 of section 1.20 of the criminal procedure law who was at the time of the killing engaged in the course of performing his official duties, and the defendant knew or reasonably should have known that the intended victim was a police officer; or

the intended victim was a peace officer as defined in paragraph of a subdivision twenty-one, subdivision twenty-three, twenty-four or sixty-two (employees of the division for youth) of section 2.10 of the criminal procedure law who was at the time of the killing engaged in the course of performing his official duties, and the defendant knew or reasonably should have known that the intended victim was such a uniformed court officer, parole officer, probation officer, or employee of the division for youth; or

the intended victim was an employee of a state correctional institution or was an employee of a local correctional facility as defined in subdivision two of section forty of the correction law, who was at the time of the killing engaged in the course of performing his official duties, and the defendant knew or reasonably should have known that the intended victim was an employee of a state correctional institution or a local correctional facility; or

at the time of the commission of the killing, the defendant was confined in a state correctional institution, or was otherwise in custody upon a sentence for the term of his natural life, or upon a sentence commuted to one of natural life, or upon a sentence for an indeterminate term the minimum of which was at least fifteen years and the maximum of which was natural life, or at the time of the commission of the killing, the defendant had escaped from such confinement of custody while serving such a sentence and had not yet been returned to such confinement or custody; or

the intended victim was a witness to a crime committed on a prior occasion and the death was caused for the purpose of preventing the intended victim's testimony in any criminal action or proceeding whether of not such action or proceeding had been commenced, or the intended victim had previously testified in a criminal action or proceeding and the killing was committed for the purpose of exacting retribution for such prior testimony, or the intended victim was an immediate family member of a witness to a crime committed on a prior occasion and the killing was committed for the purpose of preventing or influencing the testimony of such witness, or the intended victim was an immediate family member or a witness who had previously testified in a criminal action or proceeding and the killing was committed for the purpose of exacting retribution upon such witness for such prior testimony. As used in this subparagraph "immediate family member" means a husband, wife, father, mother, daughter, son, brother, sister, stepparent, grandparent, stepchild or grandchild; or

the defendant committed the killing or procured commission of the killing pursuant to an agreement with a person other than the intended victim to commit the same for the receipt, or the expectation of the receipt, of anything of pecuniary value from a party to the agreement or from a person other than the intended victim acting at the direction of a party to such agreement; or

the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first degree, sodomy in the first degree, sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight or after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; or

as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person or persons, causes the death of an additional person or persons; provided, however, the victim is not a participant in the criminal transaction; or

prior to committing the killing, the defendant had been convicted of murder as defined in this section or section 125.25 of this article, or had been convicted in another jurisdiction of an offense which if committed in this state, would constitute a violation of either of such sections; or

the defendant acted in an especially cruel and wanton manner pursuant to a course of conduct intended to inflict and inflicting torture upon the victim prior to the victim's death. As used in this subparagraph, "torture" means the intentional and depraved infliction of extreme physical pain; "depraved" means the defendant relished the infliction of extreme physical pain upon the victim evidencing debasement or perversion or that the defendant evidenced a sense of pleasure in the infliction of extreme physical pain; or

the defendant intentionally caused the death of two or more additional persons within the state in separate criminal transactions within a period of twenty-four months when committed in a similar fashion or pursuant to a common scheme or plan; or

the intended victim was a judge as defined in subdivision twenty-three of section 1.20 of the criminal procedure law and the defendant killed such victim because such victim was, at the time of the killing, a judge; and the defendant was more than eighteen years old at the time of the commission of the crime.

In any prosecution under subdivision one, it is an affirmative defense that:

The defendant acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime except murder in the second degree; or

The defendant's conduct consisted of causing or aiding, without the use of duress or deception, another person to commit suicide. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the second degree or any other crime except murder in the second degree. Murder in the first degree is a class A-I felony.

### THREE-YEAR CRIME STATISTICS COMPARISON – AUBURN

#### Criminal Offenses - On Campus

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### Criminal Offenses - Non Campus

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime	0	0	0

Involving bodily injury			
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Criminal Offenses – Public Property**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*Criminal Offenses – Reported by Local Police*

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	1	0
Robbery	0	0	0
Aggravated Assault	0	1	0

Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>2</b>	<b>0</b>

**Hate Offenses - On Campus  
By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime			

Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0

TOTALS	0	0	0
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**Hate Crimes - Non Campus**

**By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
TOTALS	0	0	0

**Hate Crimes - Non Campus**

**By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0

Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus****By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus****By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury			

	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses – Reported By Local Police  
Race, Gender, Religion, Sexual Orientation, Ethnicity, Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Arrests - On Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	1	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>1</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions On Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Arrests - Non-Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	4
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>4</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions – Non-Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	3
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>3</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Arrests - Public Property

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions – Public Property

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Arrests – Local Police

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	2	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>2</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions – Reported by Local Police

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0

Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

**Fire of Fire Related Activity on Campus**

	2008	2009	2010
Actual Fires Reported			0
Actual Fires Confirmed			0
Injury or Death Caused By Fire			0
<b>TOTALS</b>			<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### THREE-YEAR CRIME STATISTICS COMPARISON - FULTON

#### Criminal Offenses - On Campus

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### Criminal Offenses - Non Campus

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0

<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>
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*Criminal Offenses – Public Property*

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*Criminal Offenses – Reported by Local Police*

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury			

	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0

Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - On Campus  
By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0

<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**Hate Offenses - On Campus  
By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0

Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus****By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus****By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0

<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Crimes - Non Campus**

**By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0

Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Race**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Gender**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses	0	0	0

Non-Forcible			
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Religion**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Sexual Orientation**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Ethnicity**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury			

	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses - Public Property  
By Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Hate Offenses – Reported By Local Police  
Race, Gender, Religion, Sexual Orientation, Ethnicity, Disability**

	2008	2009	2010
Murder/ Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses Forcible	0	0	0
Sex Offenses Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0

Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other Crime Involving bodily injury	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Arrests - On Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions On Campus

	2008	2009	2010
Liquor law violations	1	0	0
Drug law violations	0	0	1
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>0</b>	<b>1</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Arrests - Non-Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions – Non-Campus

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Arrests - Public Property

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

### Disciplinary Actions – Public Property

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

## Arrests – Local Police

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

## Disciplinary Actions – Reported by Local Police

	2008	2009	2010
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

## Fire of Fire Related Activity

	2008	2009	2010
Actual Fires Reported		0	0
Actual Fires Confirmed		0	0
Injury or Death Caused By Fire		0	0
<b>TOTALS</b>		<b>0</b>	<b>0</b>

*\*Reflects calendar year Jan. 1 – Dec. 31*

## Family Education Rights and Privacy Act

FERPA is the Family Education Rights and Privacy Act. FERPA is also referred to as the Buckley Amendment. This amendment affords students certain rights with respect to their education records. An institution may not disclose information in a student's education record without the student's written consent. A student's parents are included, unless they produce to the institution a copy of their prior year's federal income tax form showing the student was a dependant child. There is information within a student's educational record that may be designated by an institution as "Directory Information". This information may be given out without the student's consent, unless the student completes and signs a written request to suppress all of their directory information. FPCO (United States Department of Education, Family Policy Compliance Office) oversees FERPA.

**Educational Records:** Educational records are all records that contain information that are directly related to a student and are maintained by an educational agency or institution or by a party acting on the behalf of the institution. If a student's educational record is on a computer database it is protected by FERPA.

**Non-educational Records:** There are several types of records that an institution may have on a student that are not classified as educational records. They are:

- Sole Possession Records
- Law Enforcement Unit Records
- Employment Records
- Health Records
- Alumni Records

**Directory Information:** This information is not generally considered to be harmful, or an invasion of student's privacy. FERPA especially states that the following can be designated by an institution as directory information. On this list is:

- Student's name
- Student's address
- Student's telephone number(s)
- Student's place and date of birth
- Student's academic field of study
- Student's dates of attendance at the institution
- Any degrees, certificates or awards received at the institution
- Student's most recent previous institution they attended
- Student's participation in officially recognized activities and sports at the institution
- Student's e-mail address
- Student's photograph
- Student's full or part-time status

**Illegal Directory Information:** The following information *may not* be released:

- Student's social security number
- Student's student identification number
- Student's race or ethnicity
- Student's gender

**Students Rights Under FERPA:**

Every post-secondary institution must inform students annually of their rights under FERPA. Many institutions publish these rights in the institution's student handbook to meet this requirement. Students' rights are:

To inspect and review their education records.

To seek amendment of education records that they believe to be inaccurate or misleading.

To consent to disclosure of personally identifiable information in their education record.

The right to file a complaint with the U.S. Department of Education.

A student may *lose the right* of disclosure when:

They have taken an adversarial position against the institution.

They make written wrong doings against the institution.

They share above information with a third party.

Rules for Non-Disclosure:

If a student notifies the institution not to disclose their directory information, the institution cannot release any directory information on the student. For example, the institution cannot:

Verify the student's attendance at the institution

Include student's name on the Dean's list

Include student's name in a graduation program

May not show student's name for any type of award received at the institution

May not show student's name as a member of an activity or club

Exceptions to Prior Written Consent:

FERPA allows several exceptions to prior written consent in releasing a student's educational records. They are:

School Officials: Access should be limited to individuals who are "school officials" with a "legitimate educational interest" in the information.

Subpoenas/Court Orders: Notice is not required when responding to a federal grand jury subpoena which specifies that the student is not to be informed of the existence of the subpoena or a law enforcement subpoena which specifies the same of the postal service investigating mail fraud.

FERPA was amended in 1998. An institution has the right, if a student is under age 21 and without their consent, to contact a student's parents if a student violates policies concerning alcohol or drug use.

For any further information contact:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202-4605

Phone: 202.260.3887  
Fax: 202.260.9001  
E-mail: [FERPA@ed.gov](mailto:FERPA@ed.gov)  
Web site: [www.ed.gov/offices/oOM/fpco.html](http://www.ed.gov/offices/oOM/fpco.html)

**Disclosure of Completion, Persistence, and Transfer Rates for Full-time, First-time Associate Level Students Entering in Fall 2007**  
**Pursuant to terms of Student Right-to-Know Act CAYUGA COMMUNITY COLLEGE**

Gender	Race/Ethnicity	Initial Cohort Fall 2007	Entering Institution Graduates within Two Years	Graduates within Three Years	SUNY Transfers Without a Degree		Non-SUNY Transfers Without a Degree		Number of Persisters Enrolled	Attrition	Received Certificate or Diploma Only
					Four-Year Institution	Two-Year Institution	Four-Year Institution	Two-Year Institution			
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<b>Female</b>											
	Caucasian	249	24	54	20	18	20	0	28	109	0
	African American	12	0	0	0	1	2	0	0	9	0
	Hispanic	1	0	0	0	0	0	0	0	1	0
	Asian/Pacific Islr	1	1	1	0	0	0	0	0	0	0
	American Indian/Alsk Ntv	3	0	0	0	0	0	0	0	3	0
	NRA	0	0	0	0	0	0	0	0	0	0
	<b>SubTotal</b>	<b>266</b>	<b>25</b>	<b>55</b>	<b>20</b>	<b>19</b>	<b>22</b>	<b>0</b>	<b>28</b>	<b>122</b>	<b>0</b>
<b>Male</b>											
	Caucasian	199	16	38	30	10	6	2	17	96	0
	African American	17	1	1	0	0	1	0	0	15	0
	Hispanic	5	0	0	0	2	0	0	0	3	0
	Asian/Pacific Islr	2	0	0	1	0	0	0	0	1	0
	American Indian/Alsk Ntv	0	0	0	0	0	0	0	0	0	0
	NRA	1	0	0	0	0	0	0	0	1	0
	<b>SubTotal</b>	<b>224</b>	<b>17</b>	<b>39</b>	<b>31</b>	<b>12</b>	<b>7</b>	<b>2</b>	<b>17</b>	<b>116</b>	<b>0</b>
	<b>TOTAL</b>	<b>490</b>	<b>42</b>	<b>94</b>	<b>51</b>	<b>31</b>	<b>29</b>	<b>2</b>	<b>45</b>	<b>238</b>	<b>0</b>

Data source for transfers is the National Student Clearinghouse databases.

Column 9 = Columns 1 minus Columns 3 through 8.

Students shown in columns 4, 5, 6 and 7 transferred Spring 2008 through Fall 2010.

**Disclosure of Completion, Persistence, and Transfer Rates for Full-time, First-time Associate Level Students Entering in Fall 2007**  
**Pursuant to terms of Student Right-to-Know Act CAYUGA COMMUNITY COLLEGE**

Gender	Race/Ethnicity	Initial Cohort Fall 2007	Entering Institution Graduates within Two Years	Graduates within Three Years	SUNY Transfers Without a Degree		Non-SUNY Transfers Without a Degree		Number of Persisters Enrolled	Attrition	Received Certificate or Diploma Only
					Four-Year Institution	Two-Year Institution	Four-Year Institution	Two-Year Institution			
		(1)	(2)	(3)	W	(5)	(6)	(7)	(8)	(9)	(10)
<b>Female</b>											
	Caucasian	100.0%	9.6%	21.7%	8.0%	7.2%	8.0%	0.0%	11.2%	43.8%	0.0%
	African American	100.0%	0.0%	0.0%	0.0%	8.3%	16.7%	0.0%	0.0%	75.0%	0.0%
	Hispanic	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
	Asian/Pacific Islr	100.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	American Indian/Alsk Ntv	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NRA	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	SubTotal	100.0%	9.4%	20.7%	7.5%	7.1%	8.3%	0.0%	10.5%	45.9%	0.0%
<b>Male</b>											
	Caucasian	100.0%	8.0%	19.1%	15.1%	5.0%	3.0%	1.0%	8.5%	48.2%	0.0%
	African American	100.0%	5.9%	5.9%	0.0%	0.0%	5.9%	0.0%	0.0%	88.2%	0.0%
	Hispanic	100.0%	0.0%	0.0%	0.0%	40.0%	0.0%	0.0%	0.0%	60.0%	0.0%
	Asian/Pacific Islr	100.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%
	American Indian/Alsk Ntv	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NRA	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	SubTotal	100.0%	7.6%	17.4%	13.8%	5.4%	3.1%	0.9%	7.6%	51.8%	0.0%
	<b>TOTAL</b>	<b>100.0%</b>	<b>8.6%</b>	<b>19.2%</b>	<b>10.4%</b>	<b>6.3%</b>	<b>5.9%</b>	<b>0.4%</b>	<b>9.2%</b>	<b>48.6%</b>	<b>0.0%</b>

Data source for transfers is the National Student Clearinghouse databases.

Column 9 = Columns 1 minus Columns 3 through 8.

Students shown in columns 4, 5, 6 and 7 transferred Spring 2008 through Fall 2010.