



LE MOYNE

SPIRIT. INQUIRY. LEADERSHIP. *JESUIT.*

2013

ANNUAL CAMPUS

Security and Fire Safety Report

PREPARED IN 2014

Director's Message

On behalf of Campus Security, welcome to Le Moyne College. Le Moyne is a private institution founded in 1946. Our campus sits on more than 160 picturesque acres on the East side of Syracuse, N.Y. Over 3,300 full- and part-time undergraduate and graduate students are enrolled at the four-year, liberal arts college and approximately 670 faculty and staff are employed by Le Moyne.

Campus Security strives to maintain a safe and secure campus for students, faculty, staff and visitors. Personal safety should not be taken lightly and is the responsibility of each one of us. I encourage you to review this report, which is provided to you as part of Le Moyne College's commitment to safety and security on campus, and which is in compliance with the Crime Awareness and Campus Security Act. Please help our Campus Security team make our campus community a safer place to learn, live, work and visit.

If you have any security concerns at Le Moyne College, feel free to contact me at (315) 445-4444 or security@lemoyne.edu.



John P. O'Brien
Director of Security

Campus Security

The Le Moyne College Security Department is dedicated to providing top-level service to the campus community. Day in and day out campus security officers strive to make the campus a safer place to live, learn and work. Campus Security is responsible for providing both emergency and non-emergency response on Le Moyne's campus. Campus Security is located in the basement level of Nelligan Hall. The office is staffed 24 hours a day, seven days a week by trained, full-time, professional security officers, all of whom are licensed by the state of New York. The staff consists of a director, associate director, three sergeants, 14 officers and one administrative assistant.

Campus Security also provides support services tailored to meet the needs of the Le Moyne community. Those services include, but are not limited to:

- providing campus security patrols
- testing all fire prevention equipment and alarms
- providing crime prevention lectures and seminars
- inspecting buildings for safety compliance
- maintaining a lost and found department
- enforcing parking on campus
- registering vehicles and providing parking permits for students, faculty and staff
- assisting campus motorists with minor vehicle problems

Reporting Criminal Incidents and Other Emergencies

We encourage every member of the Le Moyne community to promptly report all crimes on campus to Campus Security if the victim of such crime elects to or is unable to make such report. The Dispatch Center is staffed 24 hours a day by trained dispatchers. To report a crime or emergency to Campus Security, **dial 4444 from any campus phone**, or dial **(315) 445-4444**.

Campus Security's distinct telephone number, which is labeled on most campus telephones, is found in the campus telephone directory and is included on all office publications and correspondence.

Students and employees may also report any of the criminal offenses listed in the "Reported Crime Statistics" section of this report to any of the College's vice presidents, to any dean or director reporting to a vice president or to any residence hall area director with the assurance that any such offenses reported will be included in the subsequent Annual Security and Fire Safety Report, as well as our Clery statistics.

Free on-campus public telephones are located in the lobbies or public areas of most campus buildings.

Le Moyne College does not have a confidential reporting policy.

Blue Light Emergency Phones

The College maintains Code Blue Emergency Telephones throughout the campus. These telephones connect directly to campus security. The campus community is encouraged to utilize these phones to report a criminal incident, a fire or any other type of emergency, or to request an escort from Campus Security.

These phones are located in the following areas:

- Parking Lot-C
- Panasci Family Chapel – Westside walkway
- Grewen Hall – Lower level near Den entrance
- W. Carroll Coyne Center for the Performing Arts – East side
- Henninger Athletic Center – Rear
- Le Moyne Plaza – Front
- Le Moyne Heights – Front
- Mitchell Hall – Front

Le Moyne Security and Local Law Enforcement

Le Moyne College Campus Security officers are all New York state-certified security officers. Although they do not possess arrest power, they do have the authority to issue parking tickets, conduct investigations, ask persons for identification and determine whether individuals have lawful business on the Le Moyne campus. Criminal incidents are often referred to local enforcement departments that have jurisdiction on the campus. Although no official memorandums of understanding are in place, Campus Security maintains a highly professional working relationship with the City of Syracuse Police Department, Town of DeWitt Police Department, Onondaga County Sheriff's Office and New York State Police. Meetings are held both on a formal and informal basis and crime-related reports and statistics are routinely exchanged.

Campus Security maintains direct telephone communications with the Onondaga County 911 Center which is responsible for dispatching all law enforcement, fire and emergency medical services responding to the Le Moyne College campus. Campus Security has two-way radio contact with all officers and with Physical Plant employees at the College. Additional assistance and support can be obtained quickly.

Informing the Campus Community of Criminal Activity

Ongoing efforts are made to advise members of the campus community about campus crime and crime-related problems. These efforts include:

- 1) **Annual Report:** A comprehensive annual report of crime-related information is compiled, published and widely distributed. This annual report is available on the Web to all interested parties.
- 2) **Campus Newspaper:** The weekly student newspaper, *The Dolphin*, publishes incidents that occurred the preceding week. If a serious or unusual incident has occurred, a special article is usually printed in the campus newspaper.
- 3) **Special Alerts:** If circumstances warrant, special crime alerts will be announced either selectively or throughout campus as outlined under the timely warnings guidelines and/or Heights Alert.

EMERGENCY NOTIFICATIONS – HEIGHTS ALERT

The College, in conjunction with E2Campus, has implemented an Emergency Notification System in the event of a serious incident which poses an immediate threat to the Le Moyne community. The HEIGHTS ALERT is administered by Campus Security and is designed to provide Le Moyne students, faculty and staff with rapid notification in the event of an emergency in progress. Serious incidents which may pose an immediate threat to the campus community can be criminal in nature; weather, health and personal safety situations, which may necessitate the need for an emergency notification.

When activated, HEIGHTS ALERT will deliver a text message to mobile phones or P.D.A.s, an email message, or both to all registered users, as well as telephone voice messaging campus telephones. The message will include a brief description of the emergency and instructions about what to do.

In 2013 in an effort to enhance Le Moyne's emergency notification system the College purchased an emergency outdoor siren system which is located on top of Grewen Hall. This audible system has the ability to play both emergency sirens, as well as audible messages.

After the initial HEIGHTS ALERT message, more detailed information will be provided if necessary through various means including, but not limited to, additional HEIGHTS ALERT messages, College email, telephone and local television.

In order to receive any HEIGHTS ALERT messages, you must be registered. **To register, log in to your account on Echo and click on the "create an account" link under the Heights Alert logo.**

This system is tested yearly.

TIMELY WARNINGS

To aid in the prevention of crime and keep the campus community better informed about safety and security concerns, the director of security will issue "Timely Warning Alerts," which withhold the names of victims as confidential, when in the director's judgment a situation arises, either on or off campus, that constitutes an ongoing or continuing threat to students and employees. Incidents in which a timely warning would be issued include, but are not limited to, all reported Clery Act crimes which are considered by the College to represent a serious or continuing threat to students or employees. The warning will be issued through the College email system to students, faculty and staff, as well as the campus newspaper, *The Dolphin*, and printed flyers if necessary.

Anyone with information that may warrant a timely warning should report those circumstances to Campus Security by phone (315)445-4444 or in person at the Campus Security office located in the basement of Nelligan Hall.

Crime/Safety Prevention

It is the philosophy of Le Moyne College to prevent crimes rather than react to them after they have occurred. One way to accomplish this is through the crime prevention program at the College. This program is designed to eliminate or minimize criminal opportunities whenever possible, and to encourage students and employees to be responsible for their safety as well as that of others. The following is a listing of the crime/safety prevention programs and projects at Le Moyne College:

- 1) **Shuttle Service:** A student escort service is offered from 6 p.m. to 2 a.m. seven days a week for students traveling between Le Moyne College-owned properties.
- 2) **New Student Orientation:** A crime prevention presentation accompanied by brochures and other printed material is made available to all new students during their orientation.
- 3) **Blue Light Emergency Telephones:** These emergency telephones are strategically located throughout the campus and are distinguished by the overhead blue light. Blue light telephones ring directly into the Campus Security dispatch center.
- 4) **Security Surveys:** Comprehensive inspections of exterior lighting, exterior doors and grounds are conducted by the director of Campus Security each year.
- 5) **Operation Identification:** The engraving of serial numbers or owner-recognized

numbers on items is available through Campus Security.

- 6) **Video Monitoring:** Campus Security monitors and records residence hall entrances, student parking lots and other campus facilities by means of closed-circuit television cameras.
- 7) **Sexual Assault, Education and Prevention:** In cooperation with the Office of Campus Life and Leadership and the Wellness Center for Health and Counseling, presentations are made each year to the members of the campus community to promote their awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses.
- 8) **Operation 'lock-out':** A program to better educate students on the importance of locking their room. Resident advisors and area directors (RAs/ADs) lock the doors of students who have left their room doors open and hang a flier on the doorknob about keeping their room secure. This program is administered during the fall semester by campus life and leadership staff.

HATE CRIMES

What is a hate crime? Hate crime, also known as bias crime, is criminal activity motivated, in whole or in part, by the perpetrator's bias against another individual or group based on a belief or perception, regardless if that belief or perception is correct, based on another's race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

The College, in compliance with current regulations, reports as hate crimes any occurrences of criminal homicide, sex offenses, robbery, aggravated assault, simple assault, burglary, larceny, motor vehicle theft, arson, intimidation and destruction/damage/vandalism of property and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability) that have been reported to local law enforcement or a Campus Security authority.

Examples of hate crimes include murder, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny, intimidation, and destruction/vandalism of property in which the victim or victims were intentionally selected because of an actual or perceived category outlined above.

Not only are hate crimes a violation of Le Moyne's community standards, but they are also prohibited under the New York State Penal Law, Article 485. Penalties for a person convicted of a hate crime are serious and range from fines to lengthy prison sentences.

The Clery Act only reports the six categories of bias outlined below:

Race. A preformed negative attitude toward a group of persons who possess common physical characteristics (i.e., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (i.e., Asian, blacks, whites).

Gender. A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (i.e., Catholics, Jews, Protestants, atheists).

Sexual Orientation. A preformed negative opinion or attitude toward a group of persons

based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (i.e., gays, lesbians, heterosexual).

Gender Identity. A performed negative opinion or attitude toward a group of persons based on their innate, deeply felt psychological identification as a man, women or some other gender, which may or may not correspond to the sex assigned to them at birth.

Ethnicity/national origin. A performed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (i.e., Arabs, Hispanics).

Disability. A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Le Moyne College Hate Crime Statistics:

2013: No hate crimes were reported that met Clery Act requirements

2012: One on-campus student housing larceny characterized by sexual orientation

2011: One on-campus student housing intimidation incident characterized by ethnicity
One on-campus simple assault characterized by ethnicity

Reported Crime Statistics

Le Moyne College believes an informed public is a safety-conscious public. The following statistics for 2011, 2012 and 2013 are based on specific crimes that have been reported to Campus Security, other College officials and local law enforcement. If you have any questions regarding Le Moyne’s crime statistics, contact Campus Security at (315) 445-4444 (from on campus, dial 4444); fax: (315) 445-6021.

Campus Crime Statistics

TYPE OF OFFENSE		RESIDENTIAL FACILITY			PUBLIC PROPERTY
		ON CAMPUS	NON-CAMPUS		
Criminal Homicide					
Murder and	2013	0	0	0	0
Nonnegligent Manslaughter	2012	0	0	0	0
	2011	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0
	2012	0	0	0	0
	2011	0	0	0	0
Sex Offenses					
Focible Sex Offenses	2013	0	0	0	0
	2012	0	0	0	0
	2011	4	4	0	0
Nonforcible Sex Offenses	2013	0	0	0	0
	2012	0	0	0	0
	2011	0	0	0	0
Robbery	2013	0	0	0	1
	2012	1	0	0	0
	2011	2	1	0	0
Aggravated Assault	2013	2	0	0	0
	2012	2	0	0	0
	2011	0	0	0	0
Burglary	2013	7	6	0	0
	2012	10	9	0	0
	2011	15	8	0	0

Campus Crime Statistics (continued)

Motor Vehicle Theft	2013	0	0	0	0
	2012	0	0	0	0
	2011	1	0	0	0
Arson	2013	0	0	0	0
	2012	0	0	0	0
	2011	1	0	0	0
Domestic Violence	2013	0	0	0	0
Dating Violence	2013	2	1	0	0
Stalking	2013	0	0	0	0
OTHER OFFENSES – ARREST		ON CAMPUS	RESIDENTIAL	NON-CAMPUS	PUBLIC
Liquor Law Violations	2013	0	0	0	0
	2012	0	0	0	0
	2011	0	0	0	0
Drug Violations	2013	0	0	0	0
	2012	1	1	0	0
	2011	3	3	0	0
Illegal Weapons Possession	2013	0	0	0	0
	2012	1	1	0	0
	2011	0	0	0	0
OTHER OFFENSES – JUDICIAL		ON CAMPUS	RESIDENTIAL	NON-CAMPUS	PUBLIC
Liquor Law Violations	2013	186	186	0	0
	2012	179	175	0	0
	2011	100	96	0	0
Drug Violations	2013	19	19	0	0
	2012	22	22	0	0
	2011	27	23	0	0
Illegal Weapons Possession	2013	2	2	0	0
	2012	1	0	0	0
	2011	2	2	0	0

Definitions for Clery Act Reported Statistics

The following definitions are used to report crimes listed in accordance with the Federal Bureau of Investigation Uniform Crime Reporting Guidelines.

- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Robbery:** The taking or attempting to take anything of value from the care, custody or control of another person or persons by force or threat of force or violence and/or putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **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.

- **Illegal Weapons Possession Violations:** The violations of laws and ordinances dealing with weapons offenses.
- **Drug Abuse Violations:** Violations of federal, state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs or marijuana.

Liquor Law Violations: The violations of state laws or local ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, furnishing liquor to a minor; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

Definitions for Clery Act Reported Sex Offenses Statistics

- **Sex Offenses – Forcible:** Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.
- **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of private body parts of another person for the purpose sexual gratification, forcibly and/or against the person’s will, or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Sex Offenses – Nonforcible:** Unlawful, nonforcible sexual intercourse includes the following:
 - **Incest:** Nonforcible sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited.
 - **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent

LOCATION DEFINITIONS

CAMPUS: building or property owned or controlled by the institution within the same reasonably contiguous geographic area of the institution, and used in direct support of the educational purposes, such as academic buildings, parking areas and other nonresidential property

PUBLIC PROPERTY: public property that is near the institution and is adjacent to a facility owned or controlled by the institution, such as sidewalks, streets and public parking facilities

NON-CAMPUS: any building or property owned or controlled by a student organization or by the institution, other than a branch campus, that is not within the same reasonably contiguous geographic area

Drug and Alcohol Policy

Le Moyne College complies with federal, state and local laws, including those which regulate the possession, use and sale of alcoholic beverages and controlled substances. The drug and alcohol policies of Le Moyne College state that on the College's premises or at College-sponsored activities the following are prohibited: (1) distribution, possession or use of any illegal drug or controlled substance; (2) providing alcoholic beverages to individuals under 21 years of age or possession of alcoholic beverages by individuals under 21 years of age; and (3) illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated and the consumption of alcohol in any public area on campus (e.g., lounges, corridors, outdoors or classrooms).

The Student Handbook details offenses and discipline for students, including the sanctions under College procedures such as fines, probation, suspension or dismissal from the College for such acts.

Firearms, Weapons, Fireworks or Chemicals

Firearms and/or weapons (air guns, pistols, etc.) are not permitted on campus at any time. Having any of these items is a violation of New York state penal laws as they pertain to colleges. The possession or use of explosives of any kind, including fireworks, firecrackers or dangerous chemicals, is prohibited. Violators of these policies are subject to arrest and College disciplinary action.

Sexual Assault Education and Prevention

Le Moyne College is committed to the prevention and reduction of sexual assaults, to include domestic violence, dating violence and stalking. The College has several innovative programs and campaigns in place. Programs such as "Relationships 101," "Think About It," "You Are Not Alone Week," "Enough is Enough," "See Something? Say Something!" and our Public Service Announcement (PSA) titled "No More" help bring better awareness to this problem. As a campus community we are working to promote a culture of bystander intervention where we care for each other and stand up with a no tolerance policy for violence of any kind.

See Something? Say Something.



At Le Moyne College, we step in to support and protect each other. Any act of violence undermines the dignity of individuals in our community and the principles of equality and respect that are essential at Le Moyne. If you are looking for resources to support survivors of sexual misconduct, visit:

www.lemoyne.edu/assaultresources

The Violence Against Women Reauthorization Act signed into law on March 7, 2013, imposes new obligations on colleges and universities under the Campus Sexual Violence Act "SaVE Act," to include programming, policies and definitions related to: sexual assault, domestic violence, dating violence and stalking.

Some key terms and crimes covered under the Violence Against Women's Reauthorization Act are outlined below:

SEXUAL ASSAULT

New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. The New York State Penal Law has an entire article, Article 130, devoted to sex offenses which are prohibited under New York State Law. Many of those sex offenses are outlined below.

Sexual misconduct: A person is guilty of sexual misconduct when (1) he or she engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

Rape in the third degree: A person is guilty of rape in the third degree when (1) he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

Rape in the first degree: A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Criminal sexual act in the third degree: A person is guilty of criminal sexual act in the third degree when (1) he or she engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the second degree: A person is guilty of criminal sexual act in the second degree when (1) being 18 years old or more, he or she engages in oral or anal sexual conduct with another person less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the first degree: A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Forcible touching: A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes squeezing, grabbing, or pinching.

Persistent sexual abuse: A person is guilty of persistent sexual abuse when he or she commits a crime of forcible touching, sexual abuse in the second or third degree, and, within the previous 10 year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of forcible touching, sexual abuse in the second or third degree or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

Sexual abuse in the third degree: A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (b) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

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 (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

Sexual abuse in the first degree: A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

Aggravated sexual abuse in the fourth degree: (1) A person is guilty of aggravated sexual abuse in the fourth degree when (a) inserts a foreign object in the vagina, urethra, penis or rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (b) he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

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

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

Aggravated sexual abuse in the first degree: (1) A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) by

forcible compulsion; or (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

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

DOMESTIC VIOLENCE, DATING VIOLENCE and STALKING

Domestic Violence: means a “felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant money (under VAWA), or
- any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.”

New York State takes domestic violence very seriously. The Family Court Act outlines numerous “family offenses” covered under “domestic violence”:

- disorderly conduct
- harassment (1st and 2nd degree)
- aggravated harassment 2nd degree
- assault (2nd, 3rd degree and attempted)
- criminal mischief
- sexual abuse (2nd and 3rd degree)
- strangulation
- menacing (2nd and 3rd degree)
- reckless endangerment
- stalking
- sexual misconduct
- forcible touching
- criminal obstruction of breathing or circulation
- identity theft (1st, 2nd or 3rd degree)
- coercion (2nd degree)
- grand larceny (3rd and 4th degree)

Dating Violence: means “violence committed by a person:

- who is or has been in a social relationship of romantic or intimate nature with the victim; and
- where the existence of such relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.”

Although New York State does not specifically define “dating violence”, using many of the perimeters outlined above often times the conduct may fall under one the “family offenses” and may be adjudicated in either criminal court or in some cases family court.

Stalking: means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.”

Note: Stalking is specifically addressed in Article 120 of the New York State Penal Law

Le Moyne College Policy on Sexual Harassment and/or Sexual Misconduct for Student on Student Violations

I. Introduction

As an institution of higher education with a longstanding Jesuit and Catholic tradition, Le Moyne College recognizes its obligation to promote an environment and collective attitude that encourages students, faculty, staff and administrators to serve others, participate in the life of the College, and act as responsible members of the community. Acts of sexual harassment or other sexual misconduct, including sexual assault, domestic violence, dating violence or stalking, undermine the dignity of individuals and the principles of equality and respect for others and are serious violations of our community standards. These acts do not just harm the individual; they harm the College community as a whole. As used in this policy, “sexual misconduct” is a term used to more conveniently refer to any form of sexual or gender-based harassment, non-consensual sexual activity, dating violence or domestic violence, or stalking. Sexual misconduct may occur between members of the same or opposite sex and in heterosexual and homosexual relationships. Le Moyne College does not condone or tolerate sexual misconduct.

This policy aims to ensure that all members of the Le Moyne community can learn, live and work free from being subjected to sexual misconduct. All students are encouraged to read this policy and develop a clear understanding of what is and is not acceptable sexual behavior.

This policy will outline clear procedures for reporting all categories of sexual misconduct perpetrated by a Le Moyne student and how they will be handled by Le Moyne’s Community Standards and Conduct Procedures. In the event of any conflict between the standards and procedures of this Policy and those of the general Community Standards and Conduct Procedures, the standards and procedures of this policy will govern any case to which this policy applies. This policy outlines various categories of sexual misconduct to include: sexual harassment, non-consensual sexual activity, domestic violence, dating violence and stalking.

Le Moyne College has a host of security, psychological, medical, administrative and student conduct services that are immediately available to students reporting sexual misconduct.

Through these policies and procedures, Le Moyne College looks to achieve several goals:

- A campus climate which encourages prompt reporting of any type of sexual misconduct outlined in this policy.
- To provide prompt professional and support services to the complainant and the student accused of sexual misconduct.
- To provide a comprehensive system that informs the complainant and accused student of the rights and services available to them.
- To cultivate a campus community where instances of sexual misconduct are avoided through an ongoing campaign of education, training and mutual respect for each other.

This policy protects the rights of both the complainant and accused student. The accused student shall be free from sanction, pending the conclusion of a case. However, where the nature of the case indicates that there is a potential danger to the immediate well-being of the College community or specific persons within the College community, appropriate interim measures (up to and including temporary suspension from the College and/or its residence halls) may be taken by the vice president for student development or designee. In addition, accommodations such as a change in academic, living, transportation and/or working situations may be made to protect either or both of the parties and prevent retaliation.

II. When to Use this Policy

A. Complaints Against Students

This policy applies in those instances when a student is accused of having engaged in sexual misconduct against any other person (regardless of whether the other person is a Le Moyne College Student).

If a student is a victim of sexual misconduct by someone other than another student, then this policy does not apply, and the student should do the following:

B. Complaints Against Faculty or Staff

If a student wishes to bring forward a complaint of sexual misconduct against a faculty or staff member, the policy that applies in those situations is the Manual on Sexual Harassment and Nonconsensual Sexual Activity. The student should follow the procedures outlined in that policy.

C. Complaints Against Visitors or Non-Community Members

If a student wishes to bring forward a complaint of sexual misconduct against a visitor or other non-community member (e.g., an alumnus or alumna, a prospective student, a guest of a student, a member of another college's team, a local resident), the complaint should be made to Campus Security at 315-445-4444 or local law enforcement by dialing 911. Such persons accused of sexual misconduct are not entitled to a College hearing of any kind. Campus Security will investigate complaints against such persons, and the College will determine the appropriate action to be taken, which may include contacting law enforcement.

D. On Campus and Off-Campus Behavior

This policy applies to conduct that occurs on any part of Le Moyne's campus or property. It also applies when students travel off-campus as part of a College activity, team, organization or event. Additionally, Le Moyne has the discretion to discipline student behavior that occurs elsewhere off-campus, and/or during a time when the College is not in session. In

making these determinations, the Division of Student Development considers whether the behavior impacts the campus environment (as would be the case, for example, if one student sexually assaults another student in an off-campus apartment or overseas during a semester abroad, or if a student sends another student lewd and/or threatening sexual emails while at home during the semester break). In understanding this aspect of Le Moyne's expectations for student behavior, it may be helpful to think of student status as "portable" and therefore operative even when students are not on Le Moyne's campus or property.

E. Timeframe for Making a Complaint

While there is no time limit for bringing forward a complaint, the passage of time may make an incident difficult or even impossible to investigate fairly or fully and to adjudicate. Therefore, persons who believe that they have been a victim of sexual misconduct are encouraged to make a complaint as soon as possible after an incident has occurred. Although not an ideal situation given the passage of time, a former student may make a complaint against a current student. However, the reverse is not true: a complaint against a former student is not subject to adjudication pursuant to this policy. Nevertheless, Le Moyne's officials will help the complainant to report the allegations to the appropriate off-campus authorities if desired, and the College will consider other appropriate responsive measures, such as banning the former student from returning to campus and providing the complainant with access to campus counseling, academic adjustments and other support.

III. Definitions of Sexual Harassment, Non-Consensual Sexual Activity, Domestic Violence, Dating Violence and Stalking

Le Moyne College has defined several categories of sexual misconduct below, for which student sanctions may be imposed. Sexual misconduct of any nature is a serious violation of our student code of conduct and Le Moyne reserves the right to impose any sanctions outlined in the Community Standards and Conduct Procedures, including suspension or expulsion from the College. Also, students have the right to contact law enforcement for sexual misconduct at any level defined below.

A. Sexual Harassment

Federal and state laws prohibit sexual harassment. These laws include Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and the New York State Human Rights Law. This policy prohibits conduct that would violate these laws. However, as a supportive and collegial community, Le Moyne also prohibits student behavior that sexually demeans or humiliates other community members as described below, even if the conduct does not violate the law.

Sexual harassment refers to unwelcome sexual or gender-based conduct. When sexual harassment becomes so severe or pervasive as to interfere with an individual's ability to work, learn or participate in the College's programs, it is called a sexual or gender-based "hostile environment." Harassing conduct can occur in various forms, including physical, verbal, written, visual or electronic (e.g., emails, text messages, personal blogs, social networking site posts or other online activity) conduct that relates to sex, gender or sexual identity.

A determination as to whether a hostile environment has been created depends on the totality of the circumstances, such as the severity of a particular incident, the context in which it occurred, whether the conduct was repeated, whether the conduct was verbal or physical, and whether it was threatening or merely annoying. Le Moyne reserves the right to discipline

offensive conduct that is inconsistent with community standards even if it does not rise to the level of a hostile environment as defined by applicable law. Further, the College encourages students and others to report incidents that concern them even if the incidents are not particularly egregious, as early reporting assists the College to address and correct situations before they become so severe or pervasive as to create a hostile environment.

Le Moyne also prohibits *quid pro quo* harassment. *Quid pro quo* (or “this for that”) harassment occurs when a person in a position of authority or control links the receipt of some benefit (such as a grade, or the ability to join a group or participate in a program) to another’s submission to unwelcome sexual advances or sexual conduct or requires the other to perform or submit to demeaning or degrading sex or sexually-charged acts. *Quid pro quo* harassment can be expressly stated, but it also can be implied by words, actions or the surrounding circumstances.

The above definitions and explanations are provided for educational and illustrative purposes. A person reporting an incident of concern need not worry about which category of sexual misconduct applies to the situation or whether all elements of a particular definition of misconduct have been met. An individual reporting an incident of concern is expected only to relay the facts in good faith; College representatives trained in responding to sexual misconduct will assist the complainant in determining whether the incident may constitute a violation of this policy. Students should never feel pressured to engage in sexual relationships or activity of any kind with anyone, including another student or a Le Moyne College faculty or staff member.

B. Non-Consensual Sexual Conduct

Any sexual activity without mutual consent is prohibited. Violations of this policy shall include but not be limited to the following:

Category 1 Non-Consensual Sexual Conduct

Category 1 Non-Consensual Sexual Conduct includes any sexual penetration, regardless of how slight, with any type of body part or object (including but not limited to sexual intercourse) by one person upon another person without consent. Sexual penetration includes, but is not limited to, vaginal or anal penetration by a penis, finger, tongue or object, as well as oral copulation by mouth to genital contact or genital to mouth contact. Additionally, conduct that would otherwise constitute Category 2 or 3 Non-Consensual Sexual Conduct, which involves any level of physical violence will be considered Category 1 Non-Consensual Sexual Conduct.

Category 2 Non-Consensual Sexual Conduct

Category 2 Non-Consensual Sexual Conduct is any intentional sexual touching, however slight, with any type of body part or object by one person upon another without consent. Sexual touching includes any contact, directly or through clothing, with the genitals, breasts, groin, mouth or buttocks of another individual, or any other bodily contact in a sexual manner. Sexual touching also includes causing another to touch one’s intimate bodily areas, or disrobing another, without consent.

Category 3 Non-Consensual Sexual Conduct (Sexual Exploitation)

Category 3 Sexual Exploitation occurs when a person takes non-consensual sexual advantage of another for his/her own benefit or to benefit someone other than the individual being exploited, and that behavior does not otherwise constitute sexual harassment or Category 1

or Category 2 Non-Consensual Sexual Conduct as defined above. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (without consent or exceeding the bounds of consent, watching another engage in private or intimate activities such as, but not limited to, undressing, showering/bathing, using the bathroom or engaging in sexual activity)
- Non-consensual video (photography or audio taping of private or intimate activities such as, but not limited to, undressing, showering/bathing, using the bathroom or engaging in sexual activity)
- Without consent of all involved or exceeding the bounds of such consent, allowing others to watch private or intimate activities (such as, but not limited to, undressing, showering/bathing, using the bathroom or engaging in consensual sexual activity) by means such as, but not limited to, hiding in a closet, using a webcam, distributing video, etc.
- Engaging in sexual activity with another while knowingly being infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of the infection
- Acts of incest
- Prostitution or promoting prostitution
- Administering to another person without their knowledge or consent alcohol or drugs (to include “date rape” drugs).

C. Domestic Violence, Dating Violence and Stalking

Domestic violence means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant, a person with whom the complainant shares a child in common, a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the act occurs, or any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of that jurisdiction. Violence may include physical assault (hitting, pushing, kicking, shoving, etc.) and/or sexual abuse (unwanted or forced sexual activity).

Dating violence means abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. Forms of abuse constituting dating violence can be physical, sexual, emotional and/or psychological. Dating violence does not include conduct constituting domestic violence as defined above.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities to the complainant to fear for the person’s safety or the safety of others, or suffer substantial emotional distress (that may, but does not necessarily, require medical or other professional treatment or counseling). Stalking includes, but is not limited to, repeatedly (i.e., on two or more occasions) engaging in: contact, face-to-face communication, telephone calls or messages, text messages, emails or letters to or about a person; the giving of unwanted gifts; threatening or obscene gestures; or surveillance, following, trespassing or vandalism.

IV. Consent

What is consent? Consent is permission. For the purposes of this policy, it is clear, given knowingly and voluntarily, either by actions or by words by someone capable of giving it. Silence or an absence of resistance does not constitute consent. It is the responsibility of all parties involved to make certain the other has consented to sexual activity. Consent to some sexual activity (i.e. kissing, fondling) cannot be presumed consent for other sexual activity (i.e. intercourse). A past relationship or prior consenting sexual activity does not constitute consent for future sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

Incapacitated persons cannot give consent. One who is incapacitated as a result of alcohol or drugs (voluntary or involuntary) or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving effective consent. A student who engages in sexual activity with another whom the student knows or should reasonably know is unable to give consent, is in violation of this policy. A person will be considered incapacitated, and thus unable to give consent, if he or she cannot understand the details of a sexual interaction (who, what, when, where, how).

A person who has been using alcohol or drugs is still responsible for any violation of this policy that he or she commits. This means that, even if the person was drunk or high and, as a result, did not realize that the other person was not consenting to or was unable to consent to sexual activity, the person who committed the non-consensual act is still responsible for having violated this policy.

Consent may be withdrawn by an individual at any time during sexual activity. This withdrawal of consent may be through words, actions or a combination of both, indicating that he or she no longer wants the activity to continue. When this occurs the other participant must cease immediately.

Sexual activity as the result of coercion is non-consensual. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity.

In New York State, a minor (meaning a person under the age of 17 years old) cannot consent to sexual activity. This means that sexual contact with a person less than 17 years old is a crime as well as a violation of this policy even if the minor wanted to engage in the sexual act. If any person has any information that a minor has been subjected to sexual activity, it should be reported to Campus Security and/or the police immediately.

V. Reporting Options

Le Moyne College strongly encourages complainants and/or witnesses of sexual misconduct, outlined in Section IIIA, IIIB and IIIC above, to report these incidents. Retaliation and threats of retaliation or other attempts by a student to prevent the reporting of sexual misconduct outlined in this policy are also considered violations of this policy. Le Moyne College will take steps to prevent or address retaliation against any person making a complaint of sexual misconduct or cooperating with any investigation or adjudication of such a complaint.

Students have options with respect to securing a College response to a sexual misconduct incident. These options include a report to College administration to pursue on campus procedures, a police report to pursue a criminal investigation, or a confidential report to the Wellness Center for Health and Counseling or a clergy member. These options are

not mutually exclusive, and a student may take advantage of all of these options. Trained counseling center staff and/or a Title IX Coordinator may review all of the reporting options with the complainant.

Students who are in immediate danger need to get to a safe place and contact Campus Security at 315-445-4444 or dial 911. Students in need of medical attention should call Campus Security at 315-445-4444 or dial 911.

A. Report for a Response by the College

A report to the College should be made whenever an individual wishes for the College to take some action in response to the situation. Incidents of sexual misconduct can be reported to the following Responsible Administrators:

Campus Security at (315) 445-4444

Wellness Center for Health and Counseling at (315) 445-4195

Campus Life and Leadership at (315) 445-4520

Student Development at (315) 445-4525 or

Deputy Title IX Coordinator - Ann Bersani, Associate Director of Campus Life and Leadership, (315) 445-4520

Title IX Coordinator: Jack Matson, Associate Vice President of Human Resources, (315) 445-4155

Resident Advisor (RA). Students may report incidents of sexual misconduct to an RA. The RA will notify his or her supervisor and the appropriate College support services such as the Wellness Center for Health and Counseling office and/or Campus Life and Leadership.

A person who has been subjected to sexual misconduct is strongly urged to contact one of the College personnel listed above. If a complaint is made to anyone other than the persons listed above, the complainant risks the possibility that it will not come to the attention of the proper College officials and may, therefore, not be acted upon. Once a report is made, the Responsible Administrator to whom the report is made will inform the Title IX Coordinator or his/her deputy.

The complainant will be advised of his/her rights and the options moving forward. This will include an explanation of investigatory/disciplinary avenues, as well as other responsive measures, such as changes in academic, housing, transportation and work arrangements to minimize the complainant's contact with the respondent.

Sometimes, a complainant reports an incident but does not want an investigation or disciplinary action to be taken by the College. The College endeavors to respect and follow the wishes of an individual who brings forward a sexual misconduct concern. However, it may or may not be possible for the College to honor a request to not investigate or initiate disciplinary action.

If an individual makes a report but does not wish for there to be an investigation or any disciplinary action, the Title IX Coordinator will confer with appropriate administrators and decide whether the request can be honored. The College's decision will depend on the seriousness of the offense, whether the offense is alleged to have included a single or multiple accused parties, whether there is reason to believe that the accused has engaged in the reported conduct or similar conduct previously, whether the circumstances suggest an ongoing or future

risk to the campus community or the complainant, and similar considerations. A decision will be made and shared with the person who brought forward the concern.

Similarly, a complainant may desire to have investigatory and/or disciplinary action taken, but may wish to have his/her identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident, it may be possible for the complainant's identity to remain confidential and not be shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant. If a complainant requests that his/her name be kept confidential (or if the complainant makes an anonymous complaint), the College's ability to respond to the complaint may be limited. The appropriate administrators will discuss the situation and the complainant's request for confidentiality, and a decision will be made and shared with the complainant.

Ultimately, the College retains the right to act upon any information that comes to its attention, other than a report to a confidential resource listed above. Therefore, if a person believes that he or she has been subjected to sexual misconduct and wants support but does not want the College to take further action (or is not yet certain whether he or she desires such action), he or she should utilize one of the confidential resources described below.

A student may file an official incident report regarding an act of sexual misconduct 24 hours a day, seven days a week with Campus Security, located in the basement of Nelligan Hall, at (315) 445-4444. The report will include the complainant's name, as well as the accused student if known. A preliminary investigation will be conducted by Campus Security. The Campus Security report will be forwarded to the assistant dean for student development and the Title IX coordinator, who will follow the procedures outlined in this policy.

Students reporting an incident of sexual misconduct will not be charged with minor misconduct (e.g., underage consumption of alcohol) that is ancillary to the sexual misconduct incident.

B. Confidential Reports

Le Moyne understands that a student who has experienced sexual misconduct may wish to talk about the incident with the assurance that the discussion will be confidential. The support resources that students may utilize on a confidential basis include the Wellness Center for Health and Counseling and our campus clergy. Students are encouraged to consult these sources for confidential emotional support. Because these services are confidential, a discussion with any of these sources does not result in a complaint being filed with the College or result in action being taken by the College to respond to the incident. A student wishing to have an incident investigated or adjudicated must make a complaint in accordance with the procedures described in this policy.

C. Criminal Reports

A person who has been the victim of sexual misconduct is encouraged to contact local law enforcement directly by dialing 911 or with the assistance of Campus Security at (315) 445-4444. If requested, Campus Security will assist such a person in making a report to local law enforcement. Filing an official police report is different than filing a report with the College. When a person files a sexual misconduct report with local law enforcement a criminal investigation may be initiated and that investigation is often transferred to either the Syracuse Police Department or Onondaga County Sheriff's Office Abused Persons Unit

for further investigation. Based on the criminal investigation a determination will be made as to whether the case will be prosecuted. The preservation of evidence is critical to the prosecution of a criminal case. If you have been the victim of a crime, vital evidence may be lost if you change your clothes, shower, brush your hair, or allow time to pass before your physical state is documented by the police or a doctor. Any person who has experienced sexual assault or an act of violence is encouraged to contact the law enforcement immediately for further instructions as to the preservation of evidence.

A criminal investigation into allegations of sexual harassment and/or misconduct does not end the College's duty to investigate and resolve complaints promptly and equitably. In certain cases, Le Moyne College may wait to proceed with its own fact finding investigation and procedures under this policy until the police have completed their initial evidence gathering phase of their investigation. Le Moyne College will not defer its investigation and disciplinary processes thereafter (e.g., pending the completion of any civil or criminal case).

VI. Investigation; Interim Actions

Upon receipt of a complaint and a desire by the complainant to move forward, or a determination by the College to move forward in the absence of a participating complainant, Campus Security will conduct an investigation. The College reserves the right to consult with legal counsel throughout the complaint resolution process and, in exceptional cases, to utilize external investigators. Investigation of complaints brought directly by those alleging harm will be completed as expeditiously as possible, ordinarily within 30 days. Investigation may take longer when (among other things) the initial complaint fails to provide direct first-hand information or when the College is not in session. An investigation usually involves interviews of witnesses and reviewing relevant documentation. During the investigation, the complainant and the accused student will have an equal opportunity to share information and request that witnesses be interviewed. The complainant and accused student will not be interviewed together or be required to meet. The investigator(s) retain(s) discretion to determine how to conduct the investigation and what information is necessary and relevant.

At the conclusion of the investigation, the College will determine whether the complaint will be referred to the student conduct process. A referral to the student conduct process will occur where the allegations are not demonstrably false and, if true, would constitute a violation of this policy. The complainant and accused student will be informed in writing as to whether the complaint will be forwarded to the student conduct process, with a brief explanation of the basis for the determination. If the investigative determination is to not forward a complaint to a disciplinary process, there is no right to appeal.

Regardless of whether a complaint is investigated or referred to the student conduct process, the College may offer other, non-disciplinary remedies available to the complainant, such as a change in academic, living, transportation, and/or working situations.

VIII. Student Conduct Process

Le Moyne College may initiate disciplinary proceedings when a report is filed alleging Sexual Misconduct. In most cases, both the complainant and the accused student will meet separately with a member of the Division of Student Development and will be provided information pertaining to the rights students have when going through the student conduct process.

Sexual Harassment and Sexual Misconduct Board (SHM Board)

A Sexual Harassment and Sexual Misconduct Board (SHM Board) is responsible for adjudicating Sexual Misconduct cases. The SHM Board is a six-member body consisting of five voting members from the faculty, staff and/or administration and one non-voting Chair (assistant dean for student development or a designee). SHM Board members are specifically designated and undergo appropriate training to assist in the processing of formal complaints against students alleging sexual misconduct.

The Le Moyne student conduct system is an educational process and is not meant to model criminal or civil judicial proceedings. Determinations as to whether an accused student has committed a violation are based on the preponderance of evidence (i.e., whether the charged conduct is “more likely than not” to have occurred). The information does not have to be in the form of physical evidence nor does the violation have to be witnessed. Circumstantial information can be sufficient in some instances for the College to determine that a violation was “more likely than not” to have occurred.

A. Hearing Procedures

The following is a general description of the formal SHM Board process. The process may vary as appropriate for specific hearings.

The accused student shall receive written notification which may include electronic mail from the Division of Student Development at least 48 hours before the hearing. The notice will indicate the charges against the student. The College endeavors to convene the SHM Board hearing within 14 days after completion of the investigation of a complaint.

If a student (complainant or accused student or any witness) cannot attend the hearing the College has the right to conduct the hearing without the student present. In such cases the SHM Board will base its determinations on the information available to it. The Board may rely upon written statements, at the discretion of the Chair.

The complainant and the accused student may bring an advisor of their choice (at the party's own expense, if the advisor is a paid advisor) to the hearing and to any related meeting. Each party must inform the Chair of the identity of his or her advisor at least 24 hours before the hearing. Students are expected to speak for themselves during hearings and related meetings; accordingly, advisors may furnish advice only and may not make statements or arguments, question witnesses or other individuals involved in the proceedings, or otherwise actively represent a student during the hearing or related meeting. Without limiting the foregoing, an advisor may not speak during a SHM Board hearing, object to any aspect of the hearing, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in writing only. The advisor may consult with the advisee verbally outside the hearing during breaks, if any. If an advisor is not adhering to these or other ground rules of a hearing or any related meeting, the advisor may be expelled from the hearing or meeting, and the hearing or meeting will continue without opportunity for the party to secure a new advisor.

The hearing will be presided over and administered by the Chair, who will determine the order and method of proceeding, who may exercise control to prevent needless consumption of time, disruption, harassment, intimidation, or other conduct not conducive to the review, who will read the charges during the hearing, who will determine all questions of procedure or interpretation arising during or with respect to the hearing, and who may exclude from

the hearing any person who engages in conduct in violation of these procedures. The hearing may be recorded at the discretion of the Chair.

The hearing generally will be closed to anyone other than the complainant, accused student, their respective permitted advisors, and (during their testimony) any witnesses, but the Chair may in his or her discretion permit others to attend if he or she deems that their presence may be helpful to the review and determination of the charges or that there are other compelling reasons for their presence. Parents and family will not be permitted to attend (unless serving as an advisor).

The complainant and the accused student may each request the presence of witnesses at the hearing. Such requests must be submitted to the Chair in writing at least 24 hours before the hearing and must describe the requested witnesses' expected testimony. All questions posed by non-board members to the complainant, the accused student or other witnesses must be asked through the Chair.

The Chair may refuse to call a requested witness if the Chair determines that the expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Chair may also call additional witnesses on his or her own initiative.

The complainant and the accused student shall be allowed to make an opening and closing statement.

The board deliberates in a closed session and determines if the student is responsible for the alleged violation(s). A simple majority of the voting board members will determine a student's responsibility for alleged violations.

If a student is found responsible, the board shall receive the record of any previous student conduct violations and sanctions and any other information as the Chair deems relevant to recommending sanctions. The board members then deliberate and decide on the appropriate sanction by majority vote.

The Chair will inform the complainant and the accused student, simultaneously and in writing, of the decision and the rationale therefore, to the extent permitted by law. The decision of the board is effective immediately. The notice will include a reference to the available appellate procedure and the potential outcomes of that procedure. This notice is typically provided within seven days after the hearing concludes.

SHM Board members are required to maintain confidentiality as to student conduct records, the deliberations, and votes taken.

B. Potential Sanctions

In assessing a disciplinary penalty, the seriousness of the sexual misconduct incident and a student's prior disciplinary record (if any) will be evaluated. Although some incidents may result in lesser forms of disciplinary action, Le Moyne reserves the right to impose any level of discipline, up to and including suspension or expulsion, for any act of sexual misconduct, based on the facts and circumstances of the particular case. A potential listing of sanctions may be found in the Student Conduct Process section of the Student Handbook.

C. Appeals Process

A hearing appeals board (SHM Appeals Board) will respond to appeals from students who have had disciplinary sanctions placed upon them by a SHM Board or from complainants who are not satisfied with the outcome of a hearing before the SHM Board. A SHM Appeals Board is a four-member body consisting of the Vice President for Student Development (as a nonvoting Chair) and three voting members from Le Moyné's faculty, staff and/or administration. The SHM Appeals board is also trained specifically for hearing cases of sexual misconduct. The SHM Appeals Board members are chosen by the vice president for student development. The SHM Appeal Board for an appeal will not include any person who served on the original SHM Board at the original hearing.

Appeals Board Hearing Procedures

Appeals to the SHM Appeals Board must be in writing and submitted to the vice president for student development within five business days of the date of the SHM Board findings letter. An appeal must be based on one or more of the following grounds:

- a procedural error occurred during the process that had a direct impact on the outcome,
- new information has come to light that has a direct impact on the outcome which could not have been discovered by a properly diligent person before or during the SHM Board hearing, and/or
- the sanction is inappropriate (too severe or too light).

The following is a general description of the SHM Appeals Board process. The process may vary as appropriate for specific cases.

The SHM Appeals Board shall review the appeal and the written documentation from the original hearing. The SHM Appeals Board may request to review the recording from the original hearing if a recorder was used during the proceedings. The SHM Hearing Board may, but is not obligated to, provide the accused student and complainant an opportunity to appear before the SHM Hearing Board, but any such opportunity must be provided equally (if at all) to both parties. If the SHM Board desires, they may also ask questions of the complainant/accused student, ask questions of the SHM Chair and/or request additional information. Following review, the SHM Appeals Board may take any action it deems warranted, including without limitation:

- uphold the finding of responsibility and the sanctions (if any) as originally imposed;
- uphold the finding of responsibility but change the sanction;
- overturn the finding of responsibility (and impose sanctions as applicable); or
- ask the original SHM Board or a new SHM Board to re-hear the case in whole or in part

It is expected that the SHM Appeals Board will meet to review and make a decision on the appeal within seven working days of the receipt of the appeal. The Chair will inform the complainant and the accused student, simultaneously and in writing, of the decision and the rationale therefore, to the extent permitted by law. This notice is typically provided within seven days after the SHM Appeals Board reaches its determination.

The SHM Appeals Board is not subject to review or further appeal (though the accused student and complainant retain the right to appeal (as provided above) any re-hearing ordered by the SHM Appeals Board).

SHM Appeals Board proceedings are not open to the public, other members of the College community, parents, family members or friends. The Chair shall have final authority regarding individual access to SHM Appeals Board proceedings. If the complainant and the accused student are asked to appear before the SHM Appeals Board, they may each bring an advisor of their choice (at the party's own expense, if the advisor is a paid advisor). Each party must inform the Chair of the identity of his or her advisor at least 24 hours before the hearing. Students are expected to speak for themselves during SHM Appeals Board proceedings; accordingly, advisors may furnish advice only and may not make statements or arguments, question individuals involved in the proceedings, or otherwise actively represent a student during the proceedings. The advisor may not speak during the proceedings, object to any aspect of the proceedings, or disrupt the proceedings in any way, and any consultation with the advisee while the proceedings are in progress must be done in writing only. The advisor may consult with the advisee verbally outside the proceedings during breaks, if any. If the Chair determines that an advisor is not adhering to these or other ground rules of the proceedings, the advisor will be expelled from the proceedings, and the proceedings will continue without opportunity for the party to secure a new advisor.

SHM Appeals Board members are required to maintain confidentiality as to student conduct records, the deliberations, and votes taken.

IX. Statement of Students' Rights

A. A student who reports sexual misconduct has the right

- To be treated with respect by College officials
- To report the incident to local police and the Syracuse Abused Persons unit
- To take advantage of campus support services such as the Counseling Center: (315) 445-4195, Health Services: x4440, Student Development: x4525, Title IX Coordinator: x4155, Deputy Title IX Coordinator: x4520 or Campus Ministry: x4110
- To receive notification of options for and available assistance in changing academic, living, transportation, and working situations if requested and reasonably available after an alleged incident, regardless of whether the student chooses to report the incident to campus police or local law enforcement
- To be free from retaliation from any persons including, but not limited to, faculty, staff, other students and parents.
- To have reports of sexual misconduct responded to in accordance with College policy
- To have irrelevant prior sexual history disallowed from the hearing
- To be informed of the names of all witnesses who will be called to the hearing prior to the hearing
- To not be charged with minor misconduct that is ancillary to the sexual misconduct incident
- To participate in a hearing by means other than having to face the accused student, such as through use of a partition, speakerphone, videoconference, etc.,
- To have access and use off-campus resources (at the student's expense, if any)
- Vera House Phone: (315) 468-3260
- City of Syracuse Police Department Dial: 911 or (315) 442-5111
- Town of DeWitt Police Department Dial: 911 or (315) 425-2333
- Onondaga County Sheriff's Office Dial: 911 or (315) 425- 2111
- St. Joseph's Hospital Emergency Room (315) 448-5101

- University Hospital Emergency Room (315) 464-5611
- Crouse Irving Hospital Emergency Room (315) 470-7411
- To be informed in writing of the outcome of any formal disciplinary hearing

B. A student accused of sexual misconduct has the right

- To be treated with respect by College officials
- To take advantage of campus support services such as the Counseling Center: (315) 445-4195, Health Services: x4440, Student Development: x4525, Title IX Coordinator: x4155, Deputy Title IX Coordinator: x4520 or Campus Ministry: x4110
- To be free from retaliation from any persons including, but not limited to, faculty, staff, other students and parents
- To have reports of sexual misconduct responded to in accordance with College policy
- To have irrelevant prior sexual history disallowed from the hearing
- To be considered not responsible until found responsible
- To be informed of the names of all witnesses who will be called to the hearing prior to the hearing
- To participate in a hearing by means other than having to face the complainant, such as through use of a partition, speakerphone, videoconference, etc.,
- To not participate in the campus conduct process while understanding that the College will hold a hearing regardless of participation
- To be informed in writing of the outcome of any formal disciplinary hearing

X. Academic Freedom

Le Moyne College is an academic institution at which academic freedom is necessary and valued. The College will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

XI. Recordkeeping

Records generated in connection with reports, investigations and disciplinary proceedings are maintained in confidential files maintained by an appropriate office (e.g., Campus Security, the Division of Student Development, or the Registrar), and only those with a right and need to know are permitted access.

XII. Clery Act Compliance

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the College will issue a timely warning to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/complainant will not be disclosed.

XIII. Coordination with Other Policies

A particular situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, the SHM Hearing Board has the authority to hear allegations of collateral misconduct, meaning that it hears all allegations of

sexual misconduct, but also may hear any allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged sexual misconduct, even though those collateral allegations may not otherwise fall within the SHM Hearing Board's jurisdiction.

This policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Disability Accommodation office and pursuant to that office's policies.

XIV. Delegation of Authority

Any College administrator of official whom this policy empowers to act may delegate his/her authority to any other appropriate College official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a College official named in this policy from fulfilling his/her designated role.

XV. Policy Compliance

Any person with a concern about the College's handling of a particular matter should contact the Title IX Officer.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

Phone Numbers

From off campus, the Campus Security phone number is 445-4444 (fax: 445-6021).

From on-campus phones, dial:

Campus Security	x4444
Student Development	x4525
Campus Life and Leadership	x4520
Wellness Center (Health Services)	x4440
Wellness Center (Counseling Services)	x4195
Visit our Web site at: www.lemoyne.edu/wellness.	
Physical and emotional health services for victims of sexual offenses can be accessed through the Wellness Center for Health and Counseling.	
Information	x4100

Off Campus:

Vera House (24-hour crisis response) (315) 468-3260

WELLNESS CENTER FOR HEALTH AND COUNSELING



The Wellness Center for Health and Counseling offers a variety of preventative and awareness programming throughout the year, especially in the area of sexual assaults. It maintains a resource library, as well as a Facebook page and Web page with additional resources, which includes steps to take in the event of an assault.

Every year incoming freshmen participate in a mandatory program related to sexual assault awareness and prevention. In addition, all resident directors and resident advisors are trained by members of the Wellness Center for Health and Counseling in the area of sexual assault awareness and response strategies, including, but not limited to, medical attention, legal options and referrals.

In collaboration with a variety of campus partners, the Wellness Center for Health and Counseling conducts regular programming each semester on sexual assault prevention, safety, alcohol harm reduction, healthy relationships, relationship abuse and bystander intervention.

Regular training is provided to faculty and staff across the campus regarding identifying and supporting students in distress (including sexual assault) and supporting a climate of respect and sensitivity.

The Wellness Center for Health and Counseling also provides direct clinical counseling and health services to victims of sexual assault and domestic violence. During the academic year, victims can access Le Moyné's confidential support and counseling in a crisis by calling 315-251-SAFE (7233). The center can also make referrals to our community resources for specialized care.

Counselor on Call - dispatched through Campus Security at (315) 445-4444

A professional counselor from Le Moyné's Wellness Center for Health and Counseling is available during the academic year when classes are in session for emergency consultations. Campus Security will arrange for the counselor on call to contact the individual directly. All information will remain strictly confidential, except in life threatening emergencies. Non-emergency counseling is available to all students by contacting the Counseling Center at (315) 445-4195 during business hours. Services provided by the Wellness Center for Health and Counseling are free of charge and confidential.

SEX OFFENDER REGISTRY INFORMATION

In accordance with the Federal Campus Sex Crimes Prevention Act of 2000, Campus Security is providing a link to the New York State Sex Offender Registry. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the state may be obtained concerning registered sex offenders. It requires sex offenders already required to register in a state to provide notice, as required under law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Members of the Le Moyné College community may obtain information concerning registered sex offenders by visiting the New York State Sex Offender registry's website at: www.criminaljustice.ny.gov/nsor.

Missing Persons

Campus Security will immediately accept and investigate every report of a missing person who resides in an on-campus student housing facility. The reporting person should immediately contact Campus Security by calling x4444 from an on-campus phone or (315) 445-4444. There is no prerequisite time limit before an individual can be reported missing and no specific individual who can report another missing.

If the initial investigation determines that the student is missing and has been missing for more than 24 hours or special circumstances warrant, local law enforcement will be notified.

Missing Person Contact

Every student living in an on-campus student housing facility is required to complete a “Key Card/Emergency Contact Form” with the Office of Campus Life and Leadership. This form also provides the option for students living in an on-campus student housing facility to provide a confidential missing person contact to be notified in the event a student is determined to be missing for more than 24 hours. We encourage all resident students to provide this missing person contact. If a student has identified such an individual, Le Moyne College will notify that individual no later than 24 hours after the student is determined to be missing. The missing person contact is confidential and this information will only be accessed by authorized campus officials and law enforcement officers in the furtherance of a missing person investigation.

If the student is under 18 years of age and is not an emancipated individual, Le Moyne College is required to notify the custodial parent or legal guardian after the determination has been made that the student has been missing for more than 24 hours.

Access to Campus Facilities

Most campus buildings and facilities are accessible to members of the campus community as well as guests and visitors during normal business hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.). There are limited designated hours on Saturdays when the College is in normal operation. (This excludes most holidays.)

Residence halls however are locked 24 hours a day. Access is available to all authorized students and staff via an ID card access control system. Individuals not in possession of a valid ID must call either Campus Security or their host for admittance. Telephones are located at the main entrance to all residence halls.

Maintenance and Security of Campus Facilities

Le Moyne College maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. The motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Informal surveys of exterior lighting on campus are conducted by Campus Security officers on a weekly basis. A comprehensive inspection of all exterior lighting is conducted by representatives of the Department of Security and Physical Plant at least twice a year. Members of the campus community are encouraged to report any exterior lighting deficiencies to the Campus Security at (315) 445-4444 (from on campus, dial x4444).

Campus Security and the Physical Plant representatives conduct weekly surveys of all exterior doors on campus. The purpose of this inspection is to ensure exterior doors and locking mechanisms are working properly. Exterior doors on campus buildings are locked and

secured each evening by security officers. Deficiencies in door and security hardware are also reported by these security officers daily.

The security personnel routinely examine the grounds on campus to ensure that shrubbery, trees and other vegetation have been trimmed to reduce potential dangers.

There are no off-campus locations of student organizations recognized by the institution or any off-campus housing facilities of such student organizations.

FIRE SAFETY

Le Moyne College is committed to providing a safe and secure campus. Fire safety is a key component to achieving that goal and requires a coordinated effort from the entire campus community. All fire incidents should be reported to Campus Security immediately (x4444).

In an effort to minimize the potential for fires in our on-campus housing facilities, Le Moyne College has strict policies that are enforced by campus life and leadership staff and Campus Security. Health and safety inspections are conducted twice a semester in every residence housing facility in an effort to identify any potential problems or prohibited items. Violations are referred to the Office of Judicial Affairs.

Due to Le Moyne's unique geographic location, which includes six residence halls, 15 apartment style housing units and several residential housing units. The campus is protected by three fire departments: the Syracuse Fire Department, DeWitt Fire Department and East Syracuse Fire Department.

STUDENT HOUSING EVACUATION PROCEDURES

- When the fire alarm sounds, all persons must evacuate the building.
- Do not use elevators.
- Shut and lock your door when you leave.
- Take your key with you.
- Move well away from the building to allow emergency responders room to work.
- Do not re-enter the building until instructed to do so by emergency personnel or security.

SMOKE FREE/TOBACCO FREE POLICY

Inspired by the Jesuit commitment to *cura personalis*, Le Moyne College is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. There is considerable evidence that smoking and the use of tobacco products is harmful to those using the products, and with regard to smoke, to those in the proximity of smokers.

This policy is intended to reduce the health risks related to smoking, secondhand smoke and tobacco usage for the campus community.

Effective July 1, 2015, smoking and the use of tobacco products is prohibited on all property owned, leased or operated by Le Moyne College. This includes all indoor and outdoor campus spaces including but not limited to campus buildings, grounds, exterior open spaces, parking lots, on-campus sidewalks, streets, driveways, athletic facilities, practice facilities, recreational spaces and in all College owned or operated vehicles.

This policy applies to all individuals on the Le Moyne College campus, including students, faculty, staff, parents, and visitors, including vendors, contractors and service providers.

Smoking is defined as the burning of tobacco or any other material in any type of smoking equipment, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarette devices

and electronic nicotine delivery systems.

Tobacco products are defined as any and all forms of tobacco and smokeless tobacco, including but not limited to cigarettes, cigars, snuff, dipping tobaccos, pouches, dissolvable tobaccos, tobacco waters and pastes.

Members of the Le Moyne community who do not comply with the policy will be addressed, reminded of the importance of compliance and referred to the informational materials available regarding how to comply with this policy and to cessation materials.

Members of the Le Moyne College community who refuse to comply with this policy may be subject to corrective action through the applicable process. Faculty and staff members alleged to be in violation of the policy are subject to corrective action as administered by the Office of Human Resources. Students alleged to be violating the policy are subject to corrective action through the appropriate student conduct process as administered by the Division of Student Development. Visitors, including vendors, contractors and any service providers, will be subject to whatever remedies are available to the College and administered by the Department of Campus Security or other appropriate office.

In accordance with the applicable law and Le Moyne College policy, any individual can voice objections to potential violations of this policy in an appropriate manner without fear of retaliation.

During the 2014-15 academic year, education and communication efforts will continue to support the campus in going tobacco-free. The College will also begin to initiate changes, including new campus signage and the gradual reduction to acceptable smoking areas.

Effective July 1, 2014 – June 30, 2015 smoking and tobacco use will only be allowed in designated areas in parking lots AA, C, D, E, G, and K.

CANDLES AND PORTABLE ELECTRICAL DEVICES

- **Candles and Incense:** Candles and incense are not permitted in any on-campus residence facility or apartment. Candles and incense will be confiscated and disposed of properly. Residents found with a candle and/or incense in their room/suite/townhouse/apartment will be subject to a \$50.00 fine.
- **Portable Electrical Appliances:** Students who bring appliances such as television sets, stereos, microwaves, irons and sewing machines should make sure they are in good working order. Extension cords or multiple plugs are not permitted. Any special requirements should be discussed with the residence hall or Physical Plant staff. It is a good practice to keep all appliances disconnected when not in use. During severe electrical storms, this practice is especially important. The rooms and suites were not designed for cooking. Since cooking and open coil appliances can be extremely dangerous, the following items are not permitted on campus in any student rooms or suites: coffee pots, hotplates, sandwich makers, toaster ovens and electric grills.

Residents at the townhouses, Le Moyne Heights and Le Moyne View may use any of the above in their kitchen area only. When using kitchen facilities, students are reminded not to leave any cooking items unattended. Students found to have left cooking items unattended will be subject to disciplinary action. Space heaters and propane tanks are not allowed in any residential area. Outdoor grills must be at least 15 feet from any building.

NEW YORK STATE FIRE INSPECTIONS

On a yearly basis, the New York State Office of Fire Prevention and Control conducts inspections on campus to include academic buildings, residence halls, student rooms and mechanical rooms. These inspections are based on the NYS Fire and Property Maintenance Code and National Fire Protection Association standards. Additionally, if any violations are found, the Office of Fire Prevention and Control will conduct a follow-up inspection to ensure that all violations have been corrected.

ANNUAL FIRE SYSTEM INSPECTIONS

Our fire safety systems in each on campus residential facility are inspected annually by New York state-licensed inspectors. During these inspections, all components of the fire safety system are checked for proper function ability. These tests include the fire panel, heat detectors, smoke detectors, audible horns, strobes, battery backup, etc. Every device associated with the buildings fire safety system is tested.

Also, every fire extinguisher on campus is checked in order to verify the fire extinguisher is in its proper location, is readily accessible, and is full and free of defects. Inspections are conducted monthly, yearly and every five years as required by law.

FIRE AND SAFETY REGULATIONS

It is essential that all students become familiar with the stairways and all exit doors from the residence halls. The location of fire extinguishers should be carefully noted. In the event that a fire is noticed anywhere on campus, the fire alarm should be pulled, then Campus Security (x4444) should be called immediately from a safe location and given the exact location of the fire. The dispatcher will contact and dispatch security personnel and the appropriate fire department.

Meetings are held during the academic year at which fire drill procedures are explained. Failure to exit a building during a fire alarm is a violation of New York state law. Disciplinary action and a fire safety fine may be imposed for failure to respond to a fire alarm. Any student found to have falsely initiated a fire alarm will be subject to strict disciplinary sanctions.

FIRE SAFETY EDUCATION

During orientation, all incoming freshmen attend a fire safety presentation. Instructors discuss what participants should expect and discuss the proper evacuation procedures.

Campus Life and Leadership staff, as well as Campus Security personnel, provide yearly training to all resident directors and resident advisors in the area of fire safety and emergency response. Proper evacuation procedures are discussed, along with an overview on how the automatic fire sprinkler system operates, as well as hands-on fire extinguisher training for all campus life and leadership staff.

During the first week of school, resident advisors review fire safety protocols at hall meetings with all students living in on campus housing.

FIRE DRILLS

In accordance with the New York State Fire Code, fire drills are conducted a minimum of four times per year in all residence halls and three times a year in all non residential facilities. Additional fire drills are also required during the summer for students, organizations and camps utilizing on campus residential housing. All fire drills are coordinated by Campus

Security to ensure compliance and that proper evacuation procedures are being followed. All fire drills are documented for the New York State Fire Inspections, which are conducted annually.

It is imperative that you evacuate the building immediately every time the fire alarm is activated

KERRY ROSE SPRINKLER NOTIFICATION ACT OF 2013

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the College to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. The notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system. The notification also includes information on how to access the College's campus fire safety report required by federal law.

2013 Fire Safety Systems in Student Housing

Residence Halls	Proprietary fire alarm system	Full sprinkler system	Smoke detection	Fire extinguishers	Evacuation plans posted	Yearly fire drills
Dablon Hall	x	x	x	x	x	8
Foery Hall	x	x	x	x	x	8
Harrison Hall	x	x	x	x	x	4
Mitchell Hall	x		x	x	x	4
Nelligan Hall	x	x	x	x	x	4
St. Mary's	x	x	x	x	x	6
Le Moyne Heights 1	x	x	x	x		4
Le Moyne Heights 2	x	x	x	x		4
Le Moyne Heights 3	x		x	x		4
Le Moyne Heights 4	x		x	x		4
Le Moyne View 1	x		x	x		4
Le Moyne View 2	x		x	x		4
Townhouse 1	x		x	x		4
Townhouse 2	x		x	x		4
Townhouse 3	x		x	x		4
Townhouse 4	x		x	x		4
Townhouse 5	x		x	x		4
Townhouse 6	x		x	x		4
307 Springfield Road			X	X		4
315 Springfield Road	X		X	X		4
525 Springfield Road	X		X	X		4
537 Springfield Road			X	X		4
5809 Thompson Road			X	X		4
5813 Thompson Road			X	X		4
5823 Thompson Road			X	X		4

x = included

In compliance with the Kerry Rose Fire Sprinkler Notification Act, the College's Annual Campus Security and Fire Safety Report may be found online at lemoyne.edu/annualreport.

Please contact the Office of Student Development at (315) 445-4525 if you have any questions with the above information.

2013 On Campus Student Housing Fires

Residential Facilities	Total fires in each building	Case #	Date	Time	Number of injuries	Number of deaths	Cause of fire	Value of property damage
Dablon Hall	0							
Foery Hall	0							
Harrison Hall	0							
Mitchell Hall	0							
Nelligan Hall	0							
St. Mary's Hall	0							
Le Moyne Heights 1	0							
Le Moyne Heights 2	0	13-013	1/21/13	10:50 PM	0	0	Electrical	\$300.00
Le Moyne Heights 3	0							
Le Moyne Heights 4	0							
Le Moyne View 1	0							
Le Moyne View 2	1							
Townhouse 1	0							
Townhouse 2	0							
Townhouse 3	0							
Townhouse 4	0							
Townhouse 5	0							
Townhouse 6	0							
307 Springfield Road	0							
315 Springfield Road	0							
525 Springfield Road	0							
537 Springfield Road	0							
5809 Thompson Road	0							
5813 Thompson Road	0							
5823 Thompson Road	0							

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

This Annual Campus Security and Fire Safety Report are produced in compliance with the Clery Act. It is designed to provide a comprehensive review of campus crime statistics, policies, services and resources that aid in the prevention of crime and overall safety of the Le Moyne Community. You will also find in the annual report Le Moyne College's crime statistics for the past three years. Crime statistic information may also be obtained directly from the United States Department of Education's website at: <http://ope.ed.gov/security>. This report is also available at www.lemoyne.edu/security or by written request.

Campus Security Authority

The Jeanne Clery Act mandates that certain crimes are reported for inclusion in the annual security report. In an effort to achieve the most accurate statistics possible The Jeanne Clery Act has identified Campus Security Authorities as mandated reporters. Campus Security Authority is a Clery specific term that encompasses four groups of individuals:

- A campus police or security department
- Any individual(s) who have responsibility for campus security, but do not constitute a campus police or security department

- Any individual or organization specified in an institutions statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Clery Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under Clery:

- **Pastoral counselor:** A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institutions community and who is functioning within the scope of his or her license or certification.

Important Phone Numbers

From off campus, the Campus Security phone number is 445-4444 (fax: 445-6021).

From on-campus phones, dial:

Campus Security	x4444
Student Development	x4525
Campus Life and Leadership	x4520
Wellness Center (Health Services)	x4440
Wellness Center (Counseling Services)	x4195

Visit our Web site at: www.lemoyne.edu/wellness.

Physical and emotional health services for victims of sexual offenses can be accessed through the Wellness Center for Health and Counseling.

Information	x4100
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LE MOYNE

SPIRIT. INQUIRY. LEADERSHIP. *JESUIT.*

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PREPARED BY THE LE MOYNE COLLEGE CAMPUS SECURITY DEPARTMENT IN 2014.