

Campus Safety Information and Statistics Report 2022



UTICA

UNIVERSITY

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Campus Safety, Crime Prevention, Fire Safety Report and Reporting Procedures

In November 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was signed into law. The law requires each institution receiving Title IV student aid assistance to set forth its policies on crime prevention issues and to give statistics on the number of specific crimes that have occurred on campus and the number of arrests or persons referred for campus disciplinary action for various violations.

Pursuant to the Higher Education Opportunity Act of 2008, Utica University set forth its policies on fire safety, evacuation and education in campus housing, its policies and procedures for notification of missing students, and its emergency response and evacuation procedures in the event of dangerous situations and emergencies.

In compliance with the law, the Office of Emergency Management and the Office of Campus Safety jointly publish and distribute to the University community information which contains campus safety and missing persons policies, various resources concerning where to obtain information, as well as the statistics on campus crime and fires.

The policies and procedures adopted by Utica University, in compliance with the law, are outlined below. Please keep in mind that your safety and the security of your property are our highest priority. While the Office of Campus Safety is dedicated to making Utica University the safest place possible, each of us must also assume responsibility for our own personal protection.

CAMPUS SAFETY AND CRIME PREVENTION

1. CAMPUS POLICIES REGARDING REPORTING CRIMINAL ACTIONS OR OTHER EMERGENCIES ON CAMPUS.

Any student or employee can report a crime or other emergency by dialing (315) 792-3046, or 611. This will put callers in direct communication with the Office of Campus Safety and the University's safety officers on patrol. Members of the Campus community may also report criminal incidents to the following offices:

- Campus Safety: (315) 792-3046 (611 may be dialed on campus only)
- Counseling: (315) 792-3214
- Student Living: (315) 792-3285
- Student Affairs: (315) 792-3100

- Student Health Center: (315) 792-3094
- RAVE Guardian mobile app: (U Alert)
- Oneida County Emergency Services: 911 (For emergencies only)

A crime can be reported at any time. The Office of Campus Safety will respond to and investigate all reports of crimes. Appropriate police agencies will be contacted in accordance with mandated reporting procedures. If it is determined the crime may cause a dangerous or emergency situation on campus, the Utica University Emergency Management Team (CEMT) will be notified and the campus community will be alerted pursuant to the Utica University Crisis Management Plan (See Section “B” herein for more information).

Campus Security Authorities (CSA’s) are officials with significant responsibility for student and campus activities, such as a campus police or security department, individuals who have responsibility for campus security, or individuals or offices designated to receive crime reports. Examples of CSA’s include, but are not limited to Resident Assistants, Residence Life staff, Greek Life Advisors, Coaches & Athletic Directors, the Dean of Students, and/or Faculty or Staff Advisors to student groups.

All employees except those granted confidential status by law are required to report any crimes that come to their attention, regardless of how they learn of the incident. Confidentiality refers to not having to report the incident unless consent is given by the student. Only those granted confidential status by law are not required to report any incidents. These include employees whose designated and official role in the University is in counseling services and religious clergy. Campus “professional” counselors, including pastoral counselors, are not considered Campus Security and are therefore not required to report crimes for inclusion in the annual disclosures required under Clery. Professional Counselors are defined as those individuals who provide confidential psychological counseling to other individuals within the scope of their authority and official responsibilities as employees of Utica University.

Although these employees are considered confidential sources, they are encouraged, if appropriate, to advise persons being counseled of the procedures to report crimes on a voluntary/confidential basis for inclusion in the annual crime statistics. Employees who do not have responsibility for students and campus activity outside of the classroom are not obligated reporters of crimes under the Clery Act.

Utica University maintains a daily crime log of all crime and other incidents reported to Campus Safety. The daily crime log is available for review or upon request. Any crime that occurs on campus is identified and categorized for

compilation reporting in accordance with the law. The reports include the date, time, location and disposition of the crime. Although most events are placed in the log, Campus Safety may determine certain information to be confidential and not place it in the log. This will occur if there is a concern that inclusion may compromise a criminal investigation or improperly identify a victim. The Office of Campus Safety keeps mandated records for reporting specific crimes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These records are categorized and provided annually in the Campus Safety Information and Statistics Report. These detailed statistics are also available on the U.S. Department of Education crime statistics Web site at www.ope.ed.gov/security.

2. SECURITY OF AND ACCESS TO CAMPUS BUILDINGS

All campus buildings are access controlled. Campus Community members must present a valid University ID Card to gain entry. Community members are only provided access to those buildings they are authorized to enter. All academic buildings, with the exception of the Library, are secured at 10:30PM. Access control technology permits only specific personnel entry (Campus Safety, Facilities, etc.). Persons seeking access to academic buildings after 10:30PM are required to request access through Campus Safety. The request must identify the location and expected duration of access. Students requesting access to buildings in this manner are required to obtain written permission from the faculty or staff member. All buildings are routinely checked during closed hours by Campus Safety Officers and monitored by internal and external surveillance cameras.

Residence hall entries are secured by access control technology at all times. Only students residing in that specific residence hall are permitted access via University ID Card technology. Additionally, Campus Safety Officers are stationed as roaming foot patrols in first year residence halls from 11 p.m. to 7 a.m. daily. Full time staff employees identified as Area Coordinators (AC's) provide oversight to specific residence halls assigned to them. Area Coordinators direct a staff of trained student Resident Assistants (RA's) but are also continuously available while students reside on campus. Resident Assistants (RA's) have on-call duties to supplement security coverage. As part of their regular duties, Resident Assistants are empowered by the University to enforce regulations, observe potential violations of the Code of Student Conduct, and report them accordingly. RA's and also assist with front desk duties at each residence hall. All visitors must register with the RA or Campus Safety Officer stationed at residence hall lobby desks. Off-campus guests are required to be escorted by the residential student he or she is visiting at all times. Exterior telephones are located at the front and back of each hall so visitors may contact residential students.

The Office of Campus Safety works closely with the Office of Emergency Management, Environmental Health and Conservation, and the Office of Facilities Management staff to identify and correct potentially hazardous conditions.

3. CAMPUS SAFETY OFFICERS

The Director of Campus Safety reports to the Director of Emergency Management. The Office of Campus Safety is responsible for enforcing the rules and regulations of Utica University, and maintaining the overall safety of the campus.

Utica University maintains a staff of full and part-time Campus Safety Officers providing security coverage 24 hours a day, 7 days a week. These officers are licensed security guards through the State of New York, and have received all necessary training as part of the licensing procedure. University patrols are supplemented by local police as needed.

University Campus Safety officers are expected to enforce University regulations and policies. They are trained in general security procedures and New York state law through departmental directives and in-service training. Through security channels, they also are informed of criminal activity in the surrounding community which may affect the safety of the University community.

University Campus Safety officers are not armed, and are not sworn law enforcement officers. Officers are empowered by the University to detain students, employees, and visitors. Campus Safety can file criminal complaints and works closely with local police agencies. The Director of Campus Safety maintains an intimate and well-informed relationship with all local police agencies. The Director also assists local law enforcement agencies with investigations both on-campus and off-campus offenses.

All Campus Safety personnel submit accurate reports of crimes to the Director as they occur. If not previously reported, the Director will notify appropriate police agencies, as permitted by law. All incident reports or crimes involving students are reported to the Office of Student Affairs. All incidents occurring in the residence halls are immediately reported to the Office of Student Living and the Office of Student Affairs.

Through statements in the Student Handbook, poster announcements, notices in the University's Morning Mention and articles in the student newspaper, the campus community is urged to report crimes to the Office of Campus Safety and/or the local police.

4. PROGRAMS AND INFORMATION AVAILABLE ON CAMPUS SECURITY PROCEDURES AND PRACTICES

The Office of Campus Safety provides a weekly activity report, which is published in the Tangerine, the Utica University weekly student newspaper. This report tracks all incidents reported to the Office of Campus Safety. These procedures are used in conjunction with programs sponsored by the Office of Student Living & University Engagement, the Counseling Center, and the Office

of Student Affairs. These offices provide personal safety awareness, sexual misconduct prevention, burglary prevention, and fire safety seminars for all incoming and current students (including a variety of educational programs addressing issues of sexual and relationship violence throughout the academic year).

5. OFF-CAMPUS CRIMINAL ACTIVITY

The Office of Campus Safety maintains a close working relationship with all local police agencies, including the following:

- City of Utica PD
- Town of New Hartford PD
- Yorkville PD
- New York Mills PD
- Oneida County Sheriff's Department
- NY State Police

As part of this working relationship, criminal activity occurring on campus is reported to these agencies. Through frequent contacts with these agencies, off-campus criminal activities and violations of penal law are monitored by the Office of Campus Safety. Particularly those incidents or activities where Utica students routinely engage in at off-campus locations. These are often locations coordinated with student organizations officially recognized by Utica University.

6. POSSESSION, SALE AND/OR USE OF ALCOHOLIC BEVERAGES OR ILLEGAL DRUGS

Utica University prohibits the unlawful possession, use, distribution, sale or dispensing of drugs and alcohol by Utica University students, employees, visitors and contracted individuals and entities on the Utica University Campus or as part of University sponsored activities. Campus Safety personnel enforce University policies and regulations regarding underage possession and consumption of alcoholic beverages, illegal drugs, and weapons. No alcoholic beverages are allowed in common areas of the University such as residence hall lounges or campus grounds. Students of legal drinking age may have alcoholic beverages in their residence hall rooms if possession and use are consistent with the New York state law and University regulations.

Student organizations may request permission from the Vice President of Student Affairs and/or the Dean of Students to hold an event where alcohol is served. At these events, sponsoring organizations must comply with the New York State Alcoholic Beverage Control Laws. The frequency of these events is controlled by the Office of Student Affairs.

Illegal drugs are not permitted on campus; possession and use of drugs may result in arrest and/or disciplinary action. Violations of the New York State

Alcoholic Beverage Laws and New York State drug laws may result in arrest and/or discipline through the Code of Student Conduct Program.

Utica University makes available to all students and employees of the University a substance abuse prevention program consisting of educational programs, counseling, and referral to off-campus agencies.

Possession of firearms or other dangerous weapons is not permitted on campus. It is a violation of New York state law to possess any weapons on campus, even if an individual is licensed to possess such weapons.

The information below is taken from the Utica University’s Drug and Alcohol Abuse Prevention Policy:

Utica University is committed to protecting the safety, health, and well-being of all students, employees, and guests in the University community. Alcohol/drug use and abuse can be very disruptive, often adversely affecting one’s quality of work and performance. Alcohol/drug use and abuse poses serious health risks to users and others, resulting in a negative impact on productivity and morale.

Utica University recognizes that early intervention and treatment, as well as a strong support system, improves the success of rehabilitation. The University has therefore established a drug and alcohol abuse and prevention program that balances the University’s respect for the individual’s choices with the need to maintain a drug-free environment and prevent alcohol and substance abuse. Utica University encourages individuals to voluntarily seek help with drug and alcohol problems.

University policies concerning a drug-free workplace and drug and alcohol abuse prevention are consistent with all federal and state laws, regulations, and orders, including, but not limited to, the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 (as amended).

Standards of Conduct

Utica University prohibits employees and students from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol, a controlled substance or illicit drugs in a University workplace, on the University campus, or at any Utica University-sponsored activity or event. The Utica University workplace shall be defined as the Utica University campus and any other place where at least one employee is conducting business or representing the University or at any University-sponsored events.

Utica University is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement, and the advancement of knowledge. Therefore, Utica University will strenuously enforce the following:

- No alcoholic beverages may be sold, served, given away, or consumed on the Utica University campus or any property owned or controlled by Utica University except as permitted by Utica University policy and the laws of New York.
- Employees and individuals engaged in directly performing work for Utica University shall not report to work under the influence of drugs or alcohol, and shall exercise discretion in consuming alcohol while attending University-sponsored events at which alcohol is being served.
- The unlawful manufacture, distribution, dispensing, possession or use of an illicit drug or controlled substance by students or employees shall be prohibited on the Utica University campus or at any Utica University-sponsored activity or event.

Legal Sanctions

Possession or sale of controlled substances, including marijuana, is considered a serious offense in the State of New York and can result in substantial fines and/or lengthy jail sentences. Similarly, violations of New York State law concerning purchase, possession, and distribution of alcoholic beverages can result in fines, imprisonment, and/or other penalties.

The following are some of the legal sanctions under local, state, and/or federal law concerning drugs and alcohol. These are merely set forth as an example of the various sanctions, and are not meant to be all inclusive of every law. In addition, laws are often amended and sanctions changed. Many offenses and sanctions are case specific, and therefore this notice shall not be deemed to be legal advice.

Driving While Intoxicated and Driving with Ability Impaired by Drugs:

Attempting to operate a motor vehicle while under the influence of alcoholic beverages or other drugs is an extremely dangerous practice that may result in injury or death. Persons who operate a motor vehicle while under the influence of alcohol beverages or other drugs are subject to arrest and conviction, including, but not limited to, Driving While Intoxicated (DWI), Driving With Ability Impaired (DWAI), vehicular assault, vehicular manslaughter, and/or aggravated vehicular homicide. Sanctions will result in increased fines and jail time if the offenses are repeat offenses. New York adheres to a “zero tolerance rule,” and any individuals under the age of 21 years who plead or are convicted of a drug or alcohol related driving offense may be subject to further sanctions and suspensions.

Convictions under these statutes may lead to fines, legal fees, and increased insurance premiums. Further, conviction under a misdemeanor drug or alcohol-related driving offense results in a criminal record which may have to be

reported when seeking employment, applying to graduate programs, and applying for financial aid.

Multiple offenses may result in additional charges at the misdemeanor or felony level and penalties as defined in New York State Penal Law.

Criminal Sanctions for Unlawful Use and Distribution of Alcohol in New York State.

The use of alcoholic beverages is subject to the New York Alcoholic Beverage Control Law and certain provisions of the New York State Penal Law. These laws pertain to the possession, sale, or serving of alcoholic beverages.

It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine and possible community service. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine of up to \$100 and community service of 30 hours. If the fraudulent identification is a New York State driver's license, the revocation of the license will be added to the above penalty.

No person may sell, deliver, or give any alcoholic beverage to a person under the age of 21. (The law does not apply to the parent of a minor). Individuals violating this law are guilty of a Class B Misdemeanor, and may be subject to a fine not exceeding \$500 and a term of imprisonment not to exceed three months.

A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the "underage" person is guilty of an offense and is subject to a fine of not more than \$200 and imprisonment not to exceed five days, or both.

Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, shall have right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and in any such action such person shall have the right to recover actual damages.

Any person who shall be injured in person, property, means of support, or otherwise by reason of intoxication or impairment of any person under the age of 21 years shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.

Criminal Sanctions for Unlawful Use and Distribution of Drugs in New York State

Marijuana – Article 221 of the Penal Law of the State of New York is no longer in effect and has been replaced with section 220.00 relative to personal use of Cannabis. Only persons 21 years of age or older can legally possess marijuana up to 3 ounces or 24 grams of concentrated cannabis. The following are the New York laws relative to possession and sale of marijuana:

OFFENSE	DEGREE	PENALTY
Unlawful Possession 222.25	Violation	Jurisdiction
Criminal Possession 222.30	3rd Degree	Class A Misdemeanor
222.35	2nd Degree	Class E Felony
222.40	1st Degree	Class D Felony
Unlawful Sale of Cannabis 222.45		Violation
Criminal Sale of Cannabis 222.50	3rd Degree	Class A Misdemeanor
222.55	2nd Degree	Class E Felony
222.60	1st Degree	Class D Felony
Aggravated Criminal Sale 222.65	Aggravated	Class C Felony

Controlled Substances – Section 220 of the New York Penal Law defines those drugs considered “Controlled Substances,” including narcotic drugs, narcotic preparations, hallucinogens (LSD, “hallucinogenic mushrooms,” etc.), stimulants, depressants, and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence. With the exception of “Criminal Possession of a Controlled Substance in the Seventh Degree,” which is considered a misdemeanor, all other statutes in Section 220 of the Penal Law are felonies. The following are some of the New York State laws covering the unlawful sale and possession of drugs and drug paraphernalia:

OFFENSE	DEGREE	PENALTY
Crim. Possession/Controlled Substance: 220.03 220.06 220.09 220.16 220.18 220.21	7th Degree 5th Degree 4th Degree 3rd Degree 2nd Degree 1st Degree	Class A Misdemeanor Class D Felony Class C Felony Class B Felony Class A-II Felony Class A-I Felony
Crim. Sale Controlled Substance: 220.31 220.34 220.39 220.41 220.43	5th Degree 4th Degree 3rd Degree 2nd Degree 1st Degree	Class D Felony Class C Felony Class B Felony Class A-II Felony Class A-1 Felony
Drug Paraphernalia - Criminal Possession of Hypodermic Instrument – 220.45		Class A Misdemeanor
Criminal Injection of a Narcotic Drug – 220.46		Class E Felony

OFFENSE	DEGREE	PENALTY
OFFENSE Criminal Use of Drug Paraphernalia: 200.50 220.55	2nd Degree 1st Degree	Class A Misdemeanor Class D Felony
Criminal Sale of a Prescription for a Controlled Substance: 220.65		Class C Felony

Criminal Possession of Manufacturing Material: 220.70 220.71	2nd Degree 1st Degree	Class A Misdemeanor Class E Felony
Manufacture of Meth: 220.73 220.74 220.75	3rd Degree 2nd Degree 1st Degree	Class D Felony Class C Felony Class B Felony

There are additional federal laws that prohibit the sale, manufacturing, possession or distribution of controlled substances under federal law. Some of these laws are set forth at 21 U.S.C. §812, 841 and 21 C.F.R. 1308.11 through 1308.15.

Health Risks Associated with Alcohol and Drug Abuse:

There are numerous health risks associated with alcohol and drug use and abuse, including those set forth below. The following is not, and is not intended to be, medical advice or to substitute as medical advice:

- Alcohol consumption causes several marked changes in behavior.
- Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.
- Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.
- Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information.
- Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce the effects just described.

Health Risks Associated with Drug Use and Abuse:

There are significant risks with drug use and abuse. Information concerning the risks can be found at www.drugfree.org.

Alcohol and Substance Abuse Prevention Program:

Utica University is committed to providing its employees with assistance for alcohol and drug problems through the Employee Assistance Program (EAP). In addition, Utica University makes available to all students and employees a substance abuse prevention program consisting of educational programs, counseling, and referral to off-campus agencies.

During the academic year, the Division of Student Affairs sponsors workshops, seminars, and other sessions designed to educate the campus on the topic of drug and alcohol abuse. The Counseling Center offers confidential counseling to any member of the student community who wishes to discuss problems related to drug or alcohol abuse.

In addition to services and referrals offered through the Counseling Center and the Student Health Center, the following services and sources of information are available locally:

- Alcoholics Anonymous, (315) 732-6880
- Center for Addiction Recovery, www.centerforaddictionrecovery.com
- Community Recovery Center, (315) 334-4701
- Insight House Chemical Dependency Services, (315) 724-5168, www.insighthouse.com

- **The following are toll-free information and referral services:**
 - New York State Addictions Helpline, 1-800-522-5353
 - National Substance Abuse Treatment Referral Services, 1-800-662-HELP

Student Conduct and Employee Disciplinary Sanctions:

Employees and students who violate the Standards of Conduct outlined in this memo will be subject to conduct sanctions, including, but not limited to, expulsion, or termination. Said discipline shall be pursuant to the University's policies and procedures. An employee may be suspended and/or required to enter a drug or alcohol rehabilitation program as part of the discipline.

Employees offered the opportunity to participate in rehabilitation as part of the disciplinary action must sign and abide by the terms set forth in a Return-to-Work agreement as a condition of continued employment. Utica University may, at its sole discretion, require any employee subject to a Return-to-Work Agreement to submit to periodic drug and alcohol testing. Students shall be subject to the University's student conduct process, including, but not limited to, suspension or expulsion. Students found responsible of certain drug violations may also be subject to loss of financial aid benefits.

Utica University additionally shall impose conduct sanctions, consistent with local, state and federal law, including, but not limited to, the Drug-Free Workplace Act of 1988, and reserves the right to refer the matter for prosecution with the appropriate authorities

7. Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Educational Programming, Policies and Procedures

Utica University policy on sexual harassment, gender-based harassment, and sexual misconduct:

Utica University is committed to providing a learning and working environment in which all interpersonal relationships are based upon respect and dignity. Therefore, in accordance with Title IX of the Education Amendments Act of 1972 (Title IX) and the Violence Against Women Act, Utica University will not tolerate sexual or gender-based discrimination or harassment in any form, which includes sexual harassment, sexual violence, domestic or dating violence, or stalking that impacts or has the potential to impact the educational or employment environment of any member of the University community.

Utica University endeavors to provide a fair, impartial, and prompt response when sexual and gender-based misconduct is alleged to have occurred within the University community. Reports of sexual harassment, gender-based harassment, or sexual misconduct will be promptly and thoroughly investigated. Individuals who are found to have been engaged in sexual harassment, gender-based harassment, or sexual misconduct will be sanctioned following guidelines established in the applicable handbook, contract, or policy. More specifically, any individual who engages in such behavior will be subject to disciplinary action through the appropriate disciplinary process.

The University encourages any individuals covered by this policy who believe they are the victim of sexual harassment, gender-based harassment, or sexual misconduct to report it and to take steps to preserve evidence, as it may be helpful in criminal and/or University disciplinary proceedings. Individuals believing they are a victim of sexual harassment, gender-based harassment, or sexual misconduct have the option of filing a report with the University, with local law enforcement, or with both. Those wishing to notify local law enforcement authorities will be assisted in doing so. Because the standards for finding a violation of criminal law are different from the standards in this policy, criminal investigations or reports will not determine whether a violation of this University policy has occurred.

Educational Programs and Campaigns

Utica University utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming. In its efforts to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students.

It is the policy of Utica University to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as New York State's definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of pledge campaigns, guest speakers, movie nights and discussions, forums, use of online educational courses and programs, and participation in University and local community events such as Take Back the Night marches and Open Mike nights.

8. Legal Definitions of Rape and Sexual Assault

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Under New York State law, rape is defined as sexual intercourse against the will of the victim that can occur under a variety of circumstances, including:

- Where there is a threat, expressed or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person

- Where the victim fears that she or he or another will be injured if the victim does not submit.
- Where the victim is at the time physically unconscious or for any other reason is physically unable to communicate unwillingness to the nature of the act, and this is known to the assailant.
- Where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.

The complete New York State rape and sexual assault offense definitions can be found here: <http://ypdcrime.com/penal.law/article130.htm>

Other Sexual Offenses

Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for sexual arousal).

9. Definitions of Gender-Based Harassment, Dating/Domestic Violence, Sex Offenses

- **Gender-Based Harassment** includes acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must be such that it has the effect of unreasonably interfering with an individual's academic/work performance or creating an intimidating, hostile, demeaning, or offensive academic, living, or work environment. Gender-based harassment also includes:
 - **Dating Violence** is the use of physical violence, coercion, threats, intimidation, isolation or other forms of violence directed towards a person who is or has been in a social relationship of a romantic or intimate nature with another. Dating violence can be a single act or a pattern of behavior in relationships. The "intimate" relationship may be characterized as short or long-term relationships (current or former) involving a series of sexual encounters, dating, "hooking up," or similar interactions. The existence of such a relationship may be determined based on consideration of the length of the relationship, the type of relationship, and/or the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence** refers to physical or non-physical violence between spouses or former spouses, cohabitating romantic

partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, or others in a family relationship.

- **Stalking** refers to a course of knowingly unwanted 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. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include, but are not limited to, intentional pursuing, following, or observing another; repeated non-consensual (unwanted) communication or contact (including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.); or using “spyware” or other electronic means to gain impermissible access to a person’s private information. Such behaviors may also include interference with the safety of any of the immediate family of members of the community.
- **Sexual Misconduct** is a term used by this policy to refer to forms of non-consensual sexual activity or offenses, dating violence, domestic violence, or stalking. While sexual misconduct can be a criminal offense under New York State law, a person’s conduct may violate Utica University’s policy even if it does not violate State law. Thus, offenders may be prosecuted under New York State criminal statutes and/or be subject to disciplinary action by the University. The University may choose to pursue disciplinary action while criminal action is pending, even if criminal justice authorities choose not to prosecute. Sexual misconduct includes the following behaviors:
 - **Sexual Assault** is defined, consistent with federal law, as including non-consensual sexual intercourse and non-consensual contact which can be further defined as follows:
 - **Non-Consensual Sexual Contact** is any intentional sexual touching, however slight, for purposes of sexual gratification or with sexual intent, of any private body part or with an object, by a person upon another person that is without affirmative consent. This may include non-penetrative sexual assaults.
 - **Non-Consensual Sexual Intercourse** is any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by a person upon another person that is without affirmative consent. Non-consensual sexual acts include the following:
 - **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of

another person, forcibly or without affirmative consent of the victim.

- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.
- **Sexual Exploitation** occurs when, without affirmative consent, a person takes sexual advantage of another to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, prostitution, observing or recording (whether by video or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing, or showering) without the consent of all involved; engaging in voyeurism; engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.

10. Utica University Definition of Affirmative Consent

For individuals to engage in sexual activity of any type with each other, there must be clear affirmative consent. Whenever the term consent is used in this policy, it should be understood to mean affirmative consent as defined here. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, if those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Under this policy, "No" always means "No." At the same time, silence, or the absence of an explicit "no," cannot be assumed to indicate consent.

Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Past consent to sexual activity cannot be presumed to be consent to engage in the same sexual activity in the future. Consent can be withdrawn at any time by expressing in words or actions that he or she no longer wants the sexual activity to continue and, if that happens, the other person must stop immediately.

Affirmative consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion. Coerced sexual activity violates this policy just as much as physically forced sex violates this policy. Coercion happens when someone unreasonably pressures someone else for sex.

Certain conditions prevent a person from being able to consent. Consent cannot be given by a person if the following conditions or influences exist:

- **Incapacitation:** Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, mental disability, being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. To give affirmative consent, one must be of legal age, which is 17 in the state of New York. Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give affirmative consent. However, depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be intoxicated and therefore unable to consent. A person who has been drinking or using drugs is still responsible for ensuring that he or she has the other person's affirmative consent to engage in sexual activity. An individual's incapacity may also be caused by the taking of so-called "date rape" drugs. Possession, use, and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB, Burundanga, and others) is prohibited, and administering any of these drugs to another person for the purpose of inducing one to consent to sexual activity is a violation of this policy.
- **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When one person makes it clear to another that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- **Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent.
- **Predatory Drugs:** A person under the influence of predatory drugs is also considered incapacitated. Predatory drugs, also called date rape drugs, include but are not limited to GHB (gamma hydroxybutyrate), Rohypnol, and Ketamine. These are odorless, colorless drugs that can easily be slipped into a drink. They can produce disorientation, loss of inhibition, and unconsciousness, and may also cause amnesia as an aftereffect. These drugs are fast-acting and more dangerous when combined with alcohol.

11. Suggestions for Staying Safe, Finding Support, and Preserving Evidence

If you are the victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all these safety suggestions may guide you after an incident has occurred:

- a. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger and you are on campus, contact Campus Safety at (315) 792-3046/611. Call 911 if you are off campus.
- b. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
- c. If you are on campus during regular business hours, you may go to the Student Wellness Center (which includes the Student Health Center and the Counseling Center) in Room 204 Strebel Student Center for support and guidance. These are both confidential resources. After regular business hours, Campus Safety can contact the counselor on call at any time.
- d. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. While there are several hospitals in the Utica area, Oneida County does not have a SANE nurse; however, the counties of Madison and Onondaga do.
- e. To preserve evidence, it is recommended that you:
 - i. Do not bathe, shower, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
 - ii. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the

- hospital, secure them in a clean paper bag or clean sheet, to avoid contamination.
- iii. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
 - iv. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation.
 - v. Try to memorize details (physical description, names, license plate number, car description), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify Campus Safety or Utica University's Title IX Coordinator so that those orders can be observed on campus.
- f. Even after the immediate crisis has passed, consider seeking support from the Utica University Counseling Center and/or the YWCA Sexual and Domestic Violence Services (315-797-7740).
- g. Contact the Director of Student Conduct and Community Standards in Room 105 Strebel Student Center, (315) 792-3363, or the Director of Campus Safety if you need assistance with University-related concerns such as no-contact restrictions or other protective measures. The Director of Campus Safety will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. Utica University can offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact restrictions, access to counseling services, and other supports and resources as needed by a victim.

12. Policies & Procedures for Sexual misconduct/harassment, dating/domestic violence, stalking, and other acts of sex & Gender discrimination

Any Utica University community member who has been the victim of sexual misconduct has the right to make a report to the University, local law enforcement and/or the New York State Police, or choose not to report. If reported to the University under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from Utica University. A Students' Bill of Rights for cases involving

sexual assault, domestic violence, dating violence, or stalking is included as an appendix to this policy.

Confidential Resources

All members of the Utica University community have several resources available to discuss sexual harassment, gender-based harassment or sexual misconduct concerns or questions. An individual who has experienced sexual harassment, gender-based harassment or sexual misconduct is encouraged to seek support for their physical and emotional needs.

- A student seeking confidential emotional or medical care may contact the following:
 - **Utica University Student Wellness Center**
(315) 792-3094
- (* Health and counseling services are available to students free of charge)
- An employee seeking confidential emotional support may contact the University's employee assistance program at 1-800-327-2255.

These resources afford students and employees the opportunity to discuss a concern or situation and the available options. The resources also offer the opportunity to gain information about the University's formal complaint procedures under this policy.

Reports made to these resources will **not** be reported to other University officials in any personally identifiable manner (reports made to some of these individuals may result in a report to University officials that an incident occurred, but will not result in the reporting of any personally identifiable information), and, as a result, any individual making a report solely to such confidential resources should not expect action to be taken by the University against any alleged perpetrator.

Similarly, if a victim discloses actions constituting a violation of this policy through public awareness events, such as "Take Back the Night" or other event or forum, Utica University is not obligated to begin an investigation. Utica University may, however, use the information to inform the need for additional education and prevention efforts.

Confidential reports of any form of sexual misconduct can also be made to off-campus resources, including:

- Oneida County's YWCA Domestic and Sexual Violence Services
(315) 797-7740
- Suicide/Crisis Services 24 Hour Hotline
(315) 732-6228
- NYS Office of Victim Services Hotline

1-800-247-8035

A report to a Confidential Resource is not a report to the University and will not result in an investigation or disciplinary action.

Non-Confidential Resources: Responsible Administrators

Any person having a complaint of sexual harassment, gender-based harassment or sexual misconduct is encouraged to make a report to any one of the following non-confidential resources, who are considered “Responsible Administrators” for purposes of Title IX:

Title IX Coordinator

Lisa Green, Vice President of Human Resources & Personnel Development, (315) 792-3736, lcgreen@utica.edu

Deputy Title IX Coordinator for Athletics

David Fontaine, Director of Athletics and Physical Education, (315) 792-3050 or dsfontai@utica.edu

Director of Campus Safety

Musco Millner III, (315) 792-3201, mumillne@utica.edu

Interim Dean of Students & Campus Life

Richard Racioppa, (315) 792-3100, rraciop@utica.edu

Executive Director of Student Living & University Engagement

Marissa Hall, (315) 792-3285, mmfinch@utica.edu

These individuals have been trained to receive and respond to allegations of violations of this policy. Complaints can be made to any of the Responsible Administrators by those who have been the victim of a violation of this policy, by a third party on a victim’s behalf, or anonymously.

While all employees are strongly encouraged to report incidents of sexual harassment, gender-based harassment or sexual misconduct, and certain other employees may be required to report them, if a complaint is made to anyone other than the Responsible Administrators listed above, the reporting party risks the possibility that it will not come to the attention of the proper University officials and may, therefore, not be acted upon.

For this purpose, faculty members are not Responsible Administrators, and one should not assume that information brought to the attention of a faculty member will be reported to the University. On the other hand, unless a report is made to a Confidential Resource, one cannot be assured of confidentiality.

If a reporting party is not satisfied with the attempts to resolve the sexual harassment, gender-based harassment or sexual misconduct, he or she may seek resolution through other sources, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights, or the U.S. Department of Education.

Third Party Reports: In cases where the sexual harassment, gender-based harassment, or sexual misconduct is reported by a third party (e.g. a faculty member, Residence Life staff member, student organization advisor, etc.), the person identified as the target of the behavior will be notified by the Title IX Coordinator or, if appropriate, by one of the Deputy Title IX Coordinators, that a report has been received. Every effort will be made to meet with the individual to discuss her/his options and resources at the University and in the community.

Confidentiality

Reporting Party Request for Confidentiality:

A reporting party may make an anonymous report or request that the University maintain the report as confidential. This type of request may be made if the reporting party does not want his or her identity known to the responding party and witnesses, or the reporting party wishes that the University not investigate or that action not be taken against an alleged perpetrator. In situations where a reporting party makes such a request (or if the reporting party makes an anonymous report), the University's ability to investigate and respond to the allegations may be limited. If at any point the reporting party requests confidentiality, the University will make all reasonable attempts to comply with this request, but it is not required to honor these requests. The University may, in appropriate circumstances, decide it must move forward with an investigation and/or disciplinary process.

The University is required by Title IX to weigh the reporting party's request for confidentiality with the University's commitment to provide a reasonably safe and non-discriminatory environment. In evaluating a request for confidentiality, the Title IX Coordinator will consider a range of factors, including, but not limited to:

- Whether the reporting party wants to participate in a formal investigation process;
- The severity and impact of the sexual harassment, gender-based harassment or sexual misconduct;
- The respective ages of the parties;
- Whether the reporting party is a minor under the age of 18;
- Whether the responding party has admitted to the sexual harassment, gender-based harassment or sexual misconduct;

- Whether there has been other sexual harassment, gender-based harassment, or sexual misconduct complaints about the responding party;
- Whether the responding party has a history of arrests or records from a prior school indicating a history of violence;
- Whether the responding party threatened further sexual violence against the victim or others;
- Whether the sexual harassment, gender-based harassment or sexual misconduct was committed by multiple responding parties;
- Whether the sexual harassment, gender-based harassment or sexual misconduct was perpetrated with a weapon; and
- The overall safety of the campus community (including the reporting party).

The Title IX Coordinator will notify the reporting party if the University cannot honor the reporting party's request for confidentiality. However, even when confidentiality is not available, Utica University officials acting under this policy will maintain privacy to the greatest extent possible. Information reported to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator, and those acting under this policy, to carry out the purposes of this policy. The reporting party's identity will only be revealed to those individuals who need to know the name of the reporting party in order for an investigation to occur. In fact, the University will make all reasonable efforts to maintain the privacy of all parties involved in investigations under this policy and to restrict information to those with a legitimate need to know. Individuals participating in an investigation, proceeding, or hearing will be encouraged to maintain the privacy of the process to assist the University in conducting a thorough, fair, and accurate investigation.

Interim Measures

In certain cases, investigators may recommend that interim measures be put in place, before the investigation is completed and/or pending completion of the investigation, to ensure the safety of all parties and/or the University community and to ensure the integrity of the investigation. In cases involving only students, the appropriate Office of Student Affairs staff will be responsible for ensuring that the recommended measures are taken. In cases involving employees or third parties, the Office of Human Resources will be responsible for ensuring that the recommended measures are taken. The University will review the facts and circumstances of each case, as well as the reporting party's wishes, in deciding whether and what steps are reasonable and appropriate.

If interim measures are put in place, the Title IX Coordinator will communicate the measures to all affected parties. Implementing interim measure(s) does not imply a future finding of responsibility but is meant to create a safer environment. Examples of interim measures for students may include (but are

not limited to) contact restrictions through the issuance of a no-contact order, the transfer of the reporting party or responding party to different classes, transportation arrangements, and/or changing residence hall assignments. Interim measures for employees may include (but are not limited to) the transfer of the reporting party or responding party to a different department, alternative scheduling or reporting arrangements, and/or transportation arrangements. In cases involving third parties (vendors, contingent employees, clients, and consultants), examples of interim measures may include (but are not limited to) the temporary reassignment of the third-party employee or a temporary suspension of services.

In situations where the University becomes aware of a pattern of behavior by one of more responding parties, the University will take appropriate action to protect the University community. Such action may include interim actions involving individual students or safety measures intended to address broader campus-wide concerns, such as escorts or increased monitoring of an area. The University may impose a suspension from the campus or parts of the campus, pending the outcome of an investigation and disciplinary proceeding. Failure to comply with the restrictions of any interim measures is a violation of this policy and may result in disciplinary action.

Upon request, the reporting party or responding party may request a prompt review of the need for and terms of any interim measures imposed that directly affects him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Dean of Students and Campus Life, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Dean of Students and Campus Life will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Dean of Students and Campus Life may, in his/her discretion, modify or suspend the interim measures on a temporary basis while the parties are submitting their information and responses. The Dean of Students and Campus Life will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence. The Dean of Students and Campus Life will consult with the Title IX Coordinator throughout the review process.

For cases where interim measures are put in place for employees, the reporting or responding party may submit a written request for a review of the measures to the Vice President for Human Resources and Personnel Development. Upon receipt of such a request, the Vice President for Human Resources and Personnel Development will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Vice President for Human Resources and Personnel Development may, in his/her discretion,

modify or suspend the interim measures on a temporary basis while the parties are submitting their information and responses. The Vice President for Human Resources and Personnel Development will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence. The Vice President of Human Resources and Personnel Development will consult with the Title IX Coordinator throughout the review process.

Investigations and Disciplinary Proceedings

If a report appears to allege a plausible violation of this policy, the University will investigate. An investigation may occur because a reporting party wishes to proceed with a complaint, or because the University determines that this is necessary despite the wishes of the reporting party. The University endeavors to ensure that complaints are responded to in a prompt, fair, and impartial manner.

Upon receipt of a complaint, the Title IX Coordinator will identify two appropriate investigators to investigate the complaint. The reporting party and responding party will be given an equal opportunity to present information in the context of the investigation. Both the reporting party and the responding party shall receive notice referencing the specific provision of this policy alleged to have been violated and the specific possible sanctions. This notice shall also include the date, time, location and factual allegations concerning the alleged violation. In most cases, the investigators will first request an investigatory meeting with the reporting party. An investigation usually involves interviews with witnesses and the responding party, as well as reviewing any relevant documentation. To ensure that a thorough investigation is conducted, the investigators may determine that it is necessary to meet with the parties and/or witnesses on more than one occasion. The reporting party and responding party will have the right to have their own prior sexual history with persons other than the other party and their own mental health diagnosis and/or treatment excluded from the investigatory and disciplinary proceedings held under this policy. The investigators will maintain written documentation of all meetings. Throughout the investigatory process, the investigators will issue notification, via letter or email, about the next steps to the reporting party and the responding party. In the interest of the safety of the University community, the University may decide to proceed with a complaint, including an investigation and going as far as a disciplinary outcome, even if the reporting party and/or responding party elect not to participate.

Advisor of Choice

The reporting party and responding party may be accompanied during any investigatory meetings and/or disciplinary proceedings by an advisor of their choice (at the party's own expense, if the advisor is a paid advisor). In sexual assault, stalking, dating violence, and domestic violence cases, the advisor may

be an individual from outside of the University. The advisor's role is to support the reporting party or responding party throughout the process and aid in their understanding of the investigatory and/or disciplinary process. The advisor may talk quietly with the party, but may not participate in the interview, and the party is required to speak on his or her own behalf. The advisor may not intervene in an investigatory meeting or disciplinary proceeding, and is not permitted to speak or otherwise make any direct statements to the investigators. An advisor who does not abide by this role may be precluded from further participation in investigatory meetings. Investigations will not be delayed based on the availability of a party's desired advisor. A list of individuals who have been trained in the student conduct system and the basics of Title IX is available to both the reporting party and the responding party through the Office of Student Affairs.

Timeliness of the Investigation

The assigned investigators will conduct their investigation of complaints under this policy expeditiously. To the extent possible, the investigation will begin promptly upon receipt of the complaint. The University endeavors to complete the investigatory phase within 30 days, but this timeframe may be extended if necessary under the circumstances.

Informal Complaint Resolution

In some cases, an informal resolution may be appropriate. An informal resolution usually takes the form of mediation in which a third party designated by the University explores whether the parties can agree on a result. Mediation must be agreed upon by both parties and the Title IX Coordinator must agree that mediation is appropriate. At any time during the informal resolution process, the reporting party or the responding party has the right to initiate or resume the formal complaint resolution process. Mediation is not appropriate in cases of sexual assault or sexual violence of any kind. If the mediation results in an agreement, and if this agreement is acceptable to the University's Title IX Coordinator, the mediation is considered successful. Both parties will sign a statement agreeing that the mediation was successful, and that the matter will be considered resolved. If the mediation is not successful, the formal process will resume.

There may be instances when, for the safety of others who may be impacted by the alleged action, an investigation will still be conducted. Should this type of situation arise, the investigators will communicate the need to investigate to the reporting party and responding party.

Investigation Findings

At the conclusion of the investigation, the investigators will document their factual findings, determinations regarding credibility, and recommended findings regarding responsibility in an investigatory report. The investigatory

report will be submitted to the Title IX Coordinator, who will notify the reporting party and responding party, in writing (via letter or email), regarding the findings of the investigation, with a brief explanation of the basis for the recommended outcome.

If the investigatory report contains a recommended finding of responsibility, it may also provide recommendations as to referrals to the appropriate conduct or disciplinary process. The report may also contain recommendations in terms of maintaining interim restrictions already in place.

Regardless of whether a recommended finding of responsibility is made, the University may offer other non-disciplinary remedies available to the reporting party, such as a change in a residential or working situation, changes in class assignments, and so on. The University may also take additional action that is more environmental in scope and impact, such as making recommendations regarding procedures, suggesting alternative safety measures such as enhanced lighting or access to buildings, and/or educational interventions with groups or organizations.

The parties, upon submission of a written request to the Title IX Coordinator, may be permitted to review on campus information in the case file, subject to redaction permitted and/or required by law and consistent with University policy and applicable federal and state law, including the Family Educational Records Privacy Act.

Disciplinary Proceedings

This policy applies campus-wide and sets forth behavioral expectations for all. However, the applicable disciplinary procedure that will be applied in a particular case depends on whether the responding party is a student, faculty member, an employee, or a non-community member.

Following the conclusion of the investigation, the Title IX Coordinator will forward the investigatory report to the appropriate person identified below.

Student Responding Party

In cases involving allegations against a student, the case will be referred to the Director of Student Conduct and Community Standards. The Director of Student Conduct and Community Standards will review the findings and recommendations of the investigators and make a final determination, including, where appropriate, issuing appropriate sanctions. The Director of Student Conduct and Community Standards is not bound by the investigators' report; rather, the report is advisory. The Director of Conduct and Community Standards may discuss the case and information provided with the investigators, with anyone interviewed as part of the investigation, with the Title IX Coordinator, or with any other persons deemed relevant. Alternatively, the

Director of Student Conduct and Community Standards may request further investigation by the investigators. Both the reporting party and the responding party will be asked to meet individually with the Director of Student Conduct and Community Standards prior to the Director's determination and/or to provide information regarding witnesses.

After review of the investigatory report and any additional information acquired by the Director of Student Conduct and Community Standards, the Director shall issue a determination as to whether sexual or gender-based harassment, domestic or dating violence, stalking, or any other form of sexual misconduct and/or related retaliation occurred. If the Director of Student Conduct and Community Standards determines that a student has engaged in a violation of this policy, as determined by a "preponderance of the evidence" standard, the Director will also make a determination regarding sanctions or other appropriate action to be taken with respect to the responding party.

For those crimes of violence that the University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Withdrew with conduct charges pending,
- Suspended after a finding of responsibility for a code of conduct violation, or
- Expelled after a finding of responsibility for a code of conduct violation.

Transcript notations for suspensions may be removed at the discretion of the University one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

Faculty Responding Party

In cases involving allegations against a faculty member, the Title IX Coordinator will review the findings and recommendations of the investigators and make a final determination regarding the faculty member's responsibility for a violation of this policy. The Title IX Coordinator may discuss the case and the information provided with the investigators, with anyone interviewed as part of the investigation, or with any other persons deemed relevant. Either party will be asked to meet individually with investigators prior to their determination and/or to provide information regarding witnesses. After review of the investigatory report, the Title IX Coordinator shall issue a determination as to whether sexual or gender-based harassment, domestic or dating violence, stalking, or any other form of sexual misconduct and/or related retaliation occurred. If the Title IX Coordinator determines that the faculty member has engaged in a violation of this policy, as determined by a "preponderance of the evidence" standard, the coordinator will also make recommendations to the school dean and any other appropriate parties regarding discipline or other appropriate action to be taken

with respect to the responding party, including any other non-disciplinary remedial actions, and in accordance with the collective bargaining agreement currently in force between faculty members and the University.

Staff/Contracted Employee Responding Party

In cases involving allegations against a staff member or contract employee, the Title IX Coordinator (or Deputy Title IX Coordinator in cases where the Title IX Coordinator also oversees the Office of Human Resources) will review the findings and recommendations of the investigators and make a final determination regarding the employee’s responsibility for a violation of this policy. The Title IX Coordinator may discuss the case and the information provided with the investigators, with anyone interviewed as part of the investigation, with or any other persons deemed relevant. Either party will be asked to meet individually with investigators prior to their determination and/or to provide information regarding witnesses. After review of the investigatory report, the Title IX Coordinator shall issue a determination as to whether sexual or gender-based harassment, domestic or dating violence, stalking, or any other form of sexual misconduct and/or related retaliation occurred. If the Title IX Coordinator determines that an employee has engaged in a violation of this policy, as determined by a “preponderance of the evidence” standard, the coordinator will also make recommendations to the supervisor and any other appropriate parties regarding discipline or other appropriate action to be taken with respect to the responding party, including any other non-disciplinary remedial actions.

For specific information on employee disciplinary processes, please consult the Utica University Employee Handbook.

Vendor, Visitor or Other Non-Community Member

In cases involving allegations against a non-community member (e.g., a vendor, visitor, contractor, parent, etc.), the Title IX Coordinator will review the findings and recommendations of the investigators. After reviewing the investigatory report, the Title IX Coordinator shall issue a determination as to whether sexual or gender-based harassment, domestic or dating violence, stalking or any other form of sexual misconduct and/or related retaliation occurred. If the Title IX Coordinator determines that a non- community member has engaged in a violation of this policy, as determined by a “preponderance of the evidence” standard, the Title IX Coordinator will consult with other appropriate University administrators (such as the Director of Campus Safety, Director of Student Conduct and Community Standards, and/or Deputy Title IX Coordinators) and make a final determination regarding remedies, including, if appropriate, the imposition of action such as banning the non-community member from University property or other appropriate responsive measures.

In all cases, the official reviewing the findings and recommendations may accept them, reject them, send the matter back for further consideration, or issue his or her own determination. Any determination is to be based on a preponderance of the evidence presented. In any case where a student is a reporting party or responding party, both the reporting party and responding party will be permitted to submit a written impact statement to the Title IX Coordinator after a finding of responsibility for violation of this policy and prior to the determination of an appropriate sanction(s). The Title IX Coordinator will provide copies of any such written impact statements to the official responsible for making a determination regarding appropriate sanctions.

A non-community member may make a report that a University community member has violated this policy. A non-community member's complaint will be processed in accordance with the applicable disciplinary procedures listed above.

The University will endeavor to complete the disciplinary proceedings within 60 days of receiving the initial complaint, but this timeframe may be extended if necessary under extenuating circumstances. Circumstances that may require an extension of that timeframe may include, but are not limited to, the time of the academic year, the timing of University breaks, the effect of concurrent criminal proceedings, etc. The standard for decisions in investigatory and disciplinary proceedings is a preponderance of the evidence, meaning that it is more likely than not a violation of this policy occurred. Both parties will receive written notice, at or about the same time, of outcomes of all disciplinary proceedings, to the extent permitted by law. In cases where a student is the reporting party and/or responding party, the outcome letter will include factual findings supporting the determination, the decision and sanction, if any, as well as the rationale for the decision and sanction.

Appeals

In all cases (except when a vendor, visitor, or other non-community member does not have a right to appeal), if either party is dissatisfied with the decision made through the student conduct or employee disciplinary process regarding the responding party's responsibility (or the lack of such a finding), or the sanction(s) imposed, or both, either party may file an appeal within three (3) business days of the decision. The grounds for appeal are limited to:

- A procedural error occurred during the process that had a direct impact on the outcome;
- New evidence that was not previously available has come to light that has a direct impact on the outcome;
- The sanction is too severe or too lenient; or
- The decision is not supported by a preponderance of the evidence.

If an appeal is submitted, both parties will be notified. Sanctions remain in place pending the outcome of the appeal, unless the Title IX Coordinator decides otherwise in consultation with the Director of Student Conduct and Community Standards or other appropriate staff members. The appeal decision will be provided to both parties in writing, at or about the same time, and will be final with the exception of a fair process appeal in cases involving a student responding party.

Where the responding party is a student, the appeal will go to an appeals panel consisting of the Dean of Students and Campus Life and two other trained members of the University community.

Students may appeal a decision of the appeals panel to the President of the University based on a violation of fair process, but on no other grounds. Such an appeal must be made in writing within three (3) business days of the issuance of the appeals panel's decision. The President will decide, in his/her discretion, if there are grounds for such an appeal, and may meet with either the responding party or reporting party. The President's findings will be communicated in writing to both the responding party and reporting party at or about the same time.

Where the responding party is a faculty member, the appeal should be made to the Provost; where the responding party is an employee, the appeal should be made to the Vice President of Human Resources and Personnel Development.

Law Enforcement and Criminal Charges

A victim of a crime, including sexual misconduct, is encouraged, but is not required, to report the incident to local law enforcement and pursue criminal charges. Members of the University community who want to pursue criminal charges may contact the Student Counseling Center, Office of Student Affairs, or Campus Safety for assistance in making a report of a crime to local law enforcement, or may contact the local police department directly.

The criminal process and the University's investigatory/disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or internal complaint with the University or both. Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University's internal processes may be requested by local law enforcement authorities for evidence gathering. Any temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay. The University will cooperate with any criminal proceedings as permitted by law.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. Local law enforcement agencies can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Police Sexual Assault Hotline, which can be reached at 1(844) 8457269, may also be of assistance in reporting an incident to law enforcement. Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence. In appropriate circumstances, an order of protection may be available that restricts the offender's right to enter University property, and the University will abide by a lawfully issued order of protection. Utica University officials will, upon request, provide reasonable assistance to any member of the University community in obtaining an order of protection or, if outside New York State, an equivalent protective or restraining order, including providing that person with:

- A copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a Utica University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- Assistance in contacting local law enforcement related to alleged violations of such order of protection.

Amnesty

The health and safety of every student at Utica University is of utmost importance. Utica University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Utica University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to Utica University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Utica University officials or law enforcement will not be subject to the University's Student Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

Non-Retaliation

Retaliation against any person involved in an investigation, including the reporting party, responding party, witnesses, or investigator(s) is strictly prohibited. This includes retaliation from a third party on behalf of the reporting party, responding parties, witnesses, or investigators. The University defines retaliation as any adverse action taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under these policies and procedures. Any retaliation against such individuals is subject to disciplinary or conduct action, including additional interim measures or other sanctions through the appropriate employee or student conduct systems. Reports of retaliation should be directed to the Title IX Coordinator or Deputy Title IX Coordinators, who will then determine the most appropriate course of action.

Training

Responsible administrators, persons assigned as investigators, and individuals determining violations of this policy will receive annual training on relevant topics, including sexual harassment, sexual misconduct, stalking, domestic violence, and dating violence and how to conduct investigations and disciplinary proceedings that protect the safety of all parties and promote accountability to the University community.

The Title IX Coordinator will also endeavor to arrange training sessions for all members of the Utica University community about prevention of sexual harassment, sexual assault, and other forms of gender-based harassment and sexual misconduct. The intent of this training is to maintain an academic and work environment free of harassment. An environment that is free from sexual harassment, gender-based harassment and sexual misconduct provides for the opportunity for all individuals to reach their potential in the performance of their educational pursuits or assigned position.

Educational efforts are essential to sustain a University environment that is as free as possible of sexual harassment, gender-based harassment and sexual misconduct, that fosters respect for all individuals, and that observes high standards of conduct in consensual relationships. The primary goals to be achieved through education include:

- Ensuring that all individuals are aware of their rights;
- Notifying individuals of prohibited behaviors;
- Informing parties of the proper way to address complaints violations of this policy; and
- Maintaining a community awareness of the problems this policy addresses.

For the most current version of these policies and procedures, see <https://www.utica.edu/policies/policies.cfm?id=145> For information on the conduct process, see <http://www.utica.edu/student/conduct/>

13. REGISTERED SEX OFFENDER INFORMATION

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Utica University is providing a link to the New York State Sex Offender Registry. All sex offenders are required to register in the state of New York and to provide notice of each institution of higher education in New York at which the person is employed, carries a vocation or is a student. Individuals seeking to obtain information concerning Registered Sex Offenders may do so by accessing the New York State Sex Offender Registry's website at www.criminaljustice.ny.gov/nsor.

14. PERSONAL SAFETY PROCEDURES

Although Utica University strives to keep the campus a relatively safe environment, members of the University community and visitors should take precautions to protect themselves and their belongings.

- Avoid walking alone and avoid dark, unlit areas.
- Never leave valuables unattended or in plain view.
- Never lend another individual any key(s) issued to you by the University.
- Students should always lock their doors when leaving their rooms, even for a moment.
- Students should never allow anyone into their rooms unless they know who the person is.
- Report any suspicious person or activity to the Office of Campus Safety immediately.
- Do not prop doors open or allow strangers into the residence halls.
- Use the peephole before opening your residence hall room, suite, cluster, or apartment door.

15. CRIME STATISTICS

- Utica University believes that an informed public is a safety-conscious public. The following calendar year statistics are provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- These statistics reflect a University population of approximately 3,000 students and 700 employees.
- If you have any questions, please contact the VP for Emergency Management at (315) 792-3472 or the Director of Campus Safety at (315) 792-3201.

Statistics for Utica Campus

OFFENSE	YEAR	Total On Campus	On Campus Student Housing Facilities Only	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Sex Offenses - Forcible	2019	0	0	0	0
	2020	1	1	0	0
	2021	1	0	0	0
Sex Offenses-Non- Forcible	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Robbery	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Burglary	2019	1	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

OFFENSE	YEAR	Total On Campus	On-Campus Student Housing Facilities Only	Non-Campus Property	Public Property
Motor Vehicle Theft	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Arson	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Arrests: Weapons: Carrying, Possessing etc.	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Discipline Referrals Weapons Carrying, Possessing, etc.	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Arrests: Drug Abuse Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Discipline Referrals Drug Abuse Violations	2019	61	56	0	0
	2020	42	39	0	0
	2021	38	38	0	0
Arrests: Liquor Law Violations	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Discipline Referrals Liquor Law Violations	2019	172	171	0	1
	2020	104	104	0	0
	2021	62	59	0	0
Bias Related Incidents	2019	1	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Dating Violence	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2019	0	0	1	0
	2020	0	0	0	0
	2021	0	0	0	0
Stalking	2019	0	0	0	0
	2020	3	0	0	0
	2021	0	0	0	0

- There were no reported Hate Crimes for the years 2019, 2020, or 2021 on the Utica Campus.
- There were no unfounded crimes in 2019, 2020, or 2021 on the Utica Campus.
- The Utica University campus is in more than one jurisdiction. The data above includes information from the jurisdictions that reported in 2019, 2020, and 2021 and included the Utica, New Hartford, New York Mills, and Yorkville Police Departments.
- Reported crimes may involve individuals not associated with the institution.

Statistics for Syracuse Campus (ABSN program)

OFFENSE	YEAR	Total On Campus	On Campus Student Housing Facilities Only	Non-Campus Property	Public Property
Murder/Non - Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Sex Offenses: Forcible	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Sex Offenses: Non-Forcible	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Aggravated Assault	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Burglary	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0

OFFENSE	YEAR	Total On Campus	On Campus Student Housing Facilities Only	Non-Campus Property	Public Property
Arson	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Weapons, Carrying, Possessing etc.	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline Referrals Weapons: Carrying, Possessing etc.	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Drug Abuse Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline Referrals Drug Abuse Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Liquor Law Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline Referrals Liquor Law Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Bias Related Incidents	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Dating Violence	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Domestic Violence	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0

- There were no reported Hate Crimes for the years 2019, 2020, or 2021 on the Syracuse Campus.
- There were no unfounded crimes in 2019, 2020, or 2021 on the Syracuse Campus. There are no on-campus housing facilities associated with the Syracuse ABSN campus.
- The Syracuse campus is located within the Onondaga County Sheriff's Department jurisdiction.

Statistics for Florida Campus (ABSN Program)

OFFENSE	YEAR	Total On Campus	On Campus Student Housing Facilities Only	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Sex Offenses: Forcible	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Sex Offenses: Non-Forcible	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Aggravated Assault	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Burglary	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Motor Vehicle Theft	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arson	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0

OFFENSE	YEAR	Total On Campus	On Campus Student Housing Facilities Only	Non- Campus Property	Public Property
Arrests Weapons: Carrying, Possessing etc.	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline referrals Weapons Carrying, Possessing etc.	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Drug Abuse Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline Referrals Drug Abuse Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Liquor Law Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Discipline Referrals Liquor Law Violations	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Bias Related Incidents	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Dating Violence	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Domestic Violence	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0

- There were no reported Hate Crimes for the years 2019, 2020 or 2021 on the Miramar, Florida Campus.
- There were no unfounded crimes in 2019, 2020 or 2021 on the St. Petersburg, Florida Campus.

- There are no on-campus housing facilities associated with the Florida ABSN campuses.
- The Florida campuses are located within the City of St. Petersburg, FL. and City of Miramar, FL. Police Department jurisdictions.

16. EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Utica University has in place a Crisis Management Plan to address various responses to dangerous situations and emergencies. This plan addresses but is not limited to, natural disasters, fires, civil disturbances, violent crimes and other emergencies or dangerous situations involving an immediate threat to the health and safety of students, staff or visitors to the Utica University Campus. Utica University additionally maintains Emergency Evacuation Plans for all University Building and Housing Facilities.

The Campus Emergency Management Team (CEMT) consists of faculty and staff members of the University. Upon notice of a potentially dangerous situation or emergency, the University President, VP for Emergency Management, or a designee, will assess the situation and mobilize all or part of the CEMT, as needed. The CEMT will confirm the extent of the dangerous situation or emergency and determine which segments of the Campus community will receive notification, as well as the mode and content of the communication. The CEMT will confer to determine the content of the communication, the accuracy of the message and the most efficient and effective way to communicate the notification through the Campus community. Utica University has developed a list of external constituents who will be notified in certain situations, and the Office of Marketing and Communications will work with the University spokesperson and media to relay emergency information to the greater community.

Timely Warnings

In the event of an incident which poses a serious or ongoing threat within the Utica University Clery geography (in the judgment of the CEMT and in consultation with responsible authorities and when time permits), a campus wide “timely warning” notice will be issued. Timely warnings are typically issued for the following Uniform Crime Reporting crime classifications: major incidents of arson, aggravated assault, murder/non-negligent manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offense are considered on a case by case basis, depending on the facts of the case and the information known by Campus Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to the community and a Timely Warning Notice would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case by case

basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Campus Safety Department. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernable pattern of crime.

An institution may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally protected from disclosure under FERPA, such information may be released in an emergency situation. The Department of Education's FERPA regulations, at 34 CFR 99.36, describe the rule relating to the disclosure of information in health and safety emergencies.

The University Alert is a notification system utilizing email and text messaging for immediate distribution of emergency messages and timely warnings to the community. Designated members of the CEMT and Campus Safety Department may develop the content and issue a timely warning to the Utica University Community. Parents or other persons identified by students or employees can be included in the U Alert system and they may receive emergency messages as well. Timely Warning Notices will be distributed as soon as pertinent information becomes available, in a manner that withholds the name(s) of victim(s) as confidential, and with the goal of aiding in the prevention of similar occurrences.

Emergency Notifications & Evacuation

Utica University uses numerous forms of notification to alert the Campus and greater communities of an emergency or dangerous situation, including, but not limited to, the Utica University Emergency Alert System (U Alert), campus email, campus voicemail, posted flyers, University's website, numerous social media applications, the Tangerine newspaper, WPNR, local television and radio stations, and the University's main switchboard.

Utica University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Utica University currently has emergency response and evacuation procedures in place and conducts an annual announced test of those response and evacuation procedures. The emergency response and evacuation procedures cover numerous scenarios, including, but not limited to, utility failure, fire, explosion and hazmat situations, natural disasters and threats, and violent crime/accidents. Each procedure addresses the potential scenario, identifies the primary operations and liaison, sets forth logistics and planning and addresses the need for communication.

Utica University tests various parts of the emergency response and evacuation procedures on an annual basis including:

- Conducting tests that may be announced or unannounced;
- Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
- Documenting each test, a description of the exercise, the date, time and whether it was announced or unannounced.

Information regarding annual testing is available at the Office of Campus Safety.

17. NOTIFICATION POLICY FOR MISSING STUDENTS

All students who reside on campus have the option to identify an individual to be contacted by Utica University no later than twenty-four (24) hours after it has been determined the student is missing. Students may register the confidential contact information by contacting the Office of Campus Safety and filling out a missing student contact form. Confidential contact information will be accessible only to authorized campus officials and law enforcement, as appropriate.

If someone has any reason to believe a student is missing, he or she should contact the Office of Campus Safety at (315) 792-3046 immediately. Utica University has established notification procedures to determine if a student is missing. Campus Safety will report the information to the Vice President for Emergency Management who is responsible for informing the Vice President for Student Affairs and Enrollment Management.

If it is determined a student has been missing, Utica University will notify the appropriate law enforcement agency and the confidential contact identified by the student no later than 24 hours after the determination is made. In addition, if the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students and Campus Life or his/her designee is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing.

No later than 24 hours after determining a student is missing, the Vice President for Emergency Management or his/her designee will notify the following University officials:

- President
- Provost & Vice President for Academic Affairs
- Vice President for Student Affairs and Enrollment Management
- Assistant Vice President for Marketing and Communications
- Vice President for Legal Affairs & General Counsel

18. ANNUAL FIRE SAFETY REPORT

Utica University is mandated by federal and state law to prepare an annual fire safety report disclosing various statistics, policies and procedures concerning incidents of fires in/on campus housing, as well as its fire safety, evacuation and education policies and procedures.

Utica University Fire Statistics:

The following are fire statistics for each on campus student housing facility for the three (3) most recent calendar years (2019, 2020, 2021):

2019						
Residence Hall	Total Fires	Fire #	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Alumni	0	0	N/A	0	0	\$0.00
Bell	0	0	N/A	0	0	\$0.00
Boehlert	0	0	N/A	0	0	\$0.00
Burrstone	0	0	N/A	0	0	\$0.00
North	0	0	N/A	0	0	\$0.00
South	0	0	N/A	0	0	\$0.00
Tower	0	0	N/A	0	0	\$0.00
Pioneer Village A	0	0	N/A	0	0	\$0.00
Pioneer Village B	0	0	N/A	0	0	\$0.00
Pioneer Village C	0	0	N/A	0	0	\$0.00
2020						
Residence Hall	Total Fires	Fire #	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Alumni	0	0	N/A	0	0	\$0.00
Bell	0	0	N/A	0	0	\$0.00
Boehlert	0	0	N/A	0	0	\$0.00
Burrstone	0	0	N/A	0	0	\$0.00
North	0	0	N/A	0	0	\$0.00
Pioneer Village A	0	0	N/A	0	0	\$0.00
Pioneer Village B	0	0	N/A	0	0	\$0.00
Pioneer Village C	0	0	N/A	0	0	\$0.00
South	0	0	N/A	0	0	\$0.00
Tower	0	0	N/A	0	0	\$0.00

2021

Residence Hall	Total # of Fires	Fire #	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Alumni	0	0	N/A	0	0	\$0.00
Bell	0	0	N/A	0	0	\$0.00
Boehlert	0	0	N/A	0	0	\$0.00
North	0	0	N/A	0	0	\$0.00
Pioneer Village A	0	0	N/A	0	0	\$0.00
Pioneer Village B	0	0	N/A	0	0	\$0.00
Pioneer Village C	0	0	N/A	0	0	\$0.00
South	0	0	N/A	0	0	\$0.00
Tower	0	0	N/A	0	0	\$0.00

- *Burrstone House out of service after 2020.*

Fire Safety Systems in Student Housing

Residence Hall	Proprietary Fire Alarm Systems	Full Sprinkler Systems	Smoke Detection	Fire Extinguishers	Evacuation Plans Posted	# (Fire) drills each academic year
Alumni	X	X	X	X	X	4
Bell	X	X	X	X	X	4
Boehlert	X	X	X	X	X	4
Burrstone (2019/2020)	X	X	X	X	X	4
North	X	X	X	X	X	4
Ramada	X	X	X	X	X	4
South	X	X	X	X	X	4
Tower	X	X	X	X	X	4
Pioneer Village A	X	X	X	X	X	4
Pioneer Village B	X	X	X	X	X	4
Pioneer Village C	X	X	X	X	X	4

Each of the on-campus residence halls is equipped with a fire alarm system which provides notification to the students, residents, and visitors through audible alarm and strobe lights. Each residence hall is equipped with fire extinguishers and that are checked throughout the year in compliance with local and state law. A fire/safety inspection of the residence halls is conducted each fall and spring semester by the Office of Campus Safety with assistance from the residence hall staff.

Utica University conducted four (4) fire drills in the calendar year 2021 for all residence halls – (minimum of two drills per semester).

Smoking and open flames are prohibited in the residence halls. Unless approved by Facilities management, the use of portable electronic appliances is also prohibited in residence halls.

The following procedures are used for student housing evacuation in the case of a fire:

- Utica University Campus Safety Officers report directly to the building to assist with building evacuation.
- If the fire department has not arrived, Campus Safety will initiate and proceed with evacuation procedures with assistance from the residence life staff.
- Once the building has been cleared by the fire department, individuals will be permitted to re-enter the building.
- In the event of a fire, activate a nearby fire alarm pull station, and then complete the following:
 - Contact Campus Safety at 315-792-3046.
 - For a life-threatening emergency, call 911 first and tell which room, floor, and building you are in - then call Campus Safety (315-792-3046).

All persons must evacuate the building through the nearest safe exit when a fire alarm sounds.

Students and staff shall be trained to:

- Become familiar with your buildings. Know the location of emergency exits.
- Remain calm. Try to keep others calm.
- Use fire pull stations located in all buildings if a fire is found and the alarm has not sounded yet, or if there is an emergency that requires building evacuation.
- Exit the building using stairwells. NEVER use the elevators. Evacuate by the safest and nearest building exit. Close all doors behind you.
- Proceed to designated meeting area(s) and/or keep at least 100 ft. from the building.
- Notify Campus Safety or the fire department of any disabled, trapped, or injured persons.
- NEVER re-enter the building until the all-clear has been given by Campus Safety or the fire department.

Fire safety education and training is provided annually to all students and employees. Copies of the written training and education materials can be obtained by contacting the Office of Campus Safety.

Any individual who becomes aware of a fire or a fire related injury or death should report such fire, injury or death to the Office of Campus Safety immediately.

19. Non-Discrimination Policy

Utica University is an equal opportunity, affirmative action institution, and accepts students and employs individuals without regard to race, creed, color, sex, pregnancy, ethnic or national origin, religion, marital status, age, sexual orientation, gender identity, gender expression, veteran status, disability, citizenship status, genetic predisposition, domestic violence victim status, or protected status under applicable local, state, or federal law. This nondiscrimination policy covers admissions, employment, and access to and treatment in Utica University programs, services, and activities

This policy applies to all terms and conditions of employment including, but not limited to, recruiting, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation, benefits, training, and social and recreational programs. The 504 ADA Compliance Officer for Utica University is Lisa Green, Vice President for Human Resources and Personnel Development (315-792-3276).

Utica University has designated the Vice President for Human Resources and Personnel Development in the Office of Human Resources (315-792-3276) as the individual responsible for inquiries, complaints, and coordination of compliance under the Americans with Disabilities Act of 1990 (as amended).

Utica University has designated the Director of Learning Services in the Office of Learning Services (315-792-3032) as the individual responsible for inquiries, complaints, and coordination of compliance under the Americans with Disabilities Act of 1990 (as amended) and Section 504 of the Rehabilitation Act of 1973 on behalf of students.

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